

S. HRG. 107-1077

**NOMINATION OF MARION CLIFTON BLAKEY  
TO BE ADMINISTRATOR OF THE FEDERAL  
AVIATION ADMINISTRATION**

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**HEARING  
BEFORE THE  
COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE  
ONE HUNDRED SEVENTH CONGRESS  
SECOND SESSION**

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SEPTEMBER 3, 2002

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ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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## CONTENTS

	Page
Hearing held on September 3, 2002 .....	1
Statement of Senator Allen .....	9
Statement of Senator Burns .....	7
Statement of Senator Dorgan .....	5
Statement of Senator Fitzgerald .....	8
Statement of Senator Kerry .....	10
Statement of Senator McCain .....	4
Prepared statement .....	5
Statement of Senator Rockefeller .....	1
Statement of Senator Snowe .....	31
Statement of Senator Stevens .....	9
Statement of Senator Wyden .....	7
 WITNESSES	
Blakey, Marion Clifton, Chairman, National Transportation Safety Board and Administrator-Designate of the Federal Aviation Administration .....	13
Prepared statement .....	15
Biographical information .....	17
 APPENDIX	
Air Crash Victims Families Group, letter dated August 15, 2002 to Hon. John McCain .....	50
Response to written questions submitted to Marion Blakey from:	
Hon. Max Cleland .....	40
Hon. John Edwards .....	42
Hon. Ernest F. Hollings .....	39
Hon. Kay Bailey Hutchison .....	49
Hon. John F. Kerry .....	42
Hon. John McCain .....	42



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**TUESDAY, SEPTEMBER 3, 2002**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:28 p.m., in room SR-253, Russell Senate Office Building, Hon. John D. Rockefeller IV, Chairman of the Subcommittee, presiding.

**OPENING STATEMENT OF HON. JOHN D. ROCKEFELLER IV,  
U.S. SENATOR FROM WEST VIRGINIA**

Senator ROCKEFELLER. This hearing will come to order. This is our first day back, and I would have rather held this at 9:30 this morning, but we could not. I wanted to do it right away. I think we all feel that way. This is an extremely important nomination, and I hope soon to be a confirmation out of this Committee prior to September 11, and hopefully in the Senate.

I know that your husband, Dr. Bill Dooley, is here and that Mona, your daughter, is here as well. We are very happy to welcome you along with Michael Jackson, our Deputy Secretary; and also you, Conrad Burns, who I have not seen in a month, but we have made it through.

Senator BURNS. A pleasant surprise, huh?

Senator ROCKEFELLER. That is right, that is right.

Ms. Blakey, you were here a few months ago to testify at our NTSB hearing, and I want to welcome you back.

Ms. BLAKEY. Thank you very much. I am pleased to be back.

Senator ROCKEFELLER. I want to congratulate you on your nomination. As I indicated, I think that we could not hold it in August. It would have been a little awkward since nobody would have been here. The FAA Administrator is one of the four or five most difficult positions, least understood positions, in the entire Federal Government, and enormously important. Things go right and nobody notices. When things go wrong, everybody notices, including all of your people.

You have got a difficult job ahead of you. Our instinct in this country often is to finger-point. I don't like that instinct. I think it is not useful in most of our functions, but sometimes in terms of oversight it is necessary. We all need to be prodded. We get a little oversight from our constituents, you get a little oversight from Con-

gress, and the democracy has held together pretty well for over 220 years.

Now, you have been asked, in my judgment, to fill a very large pair of shoes. I am an unabashed fan of Administrator Jane Garvey. I thought she did a great job for 5 years. I do not think she was displeased to leave, which was interesting, because it is part of the pressure that you are constantly under. But, I think the chief of the FAA has served as a revolving door. Many really well-qualified people; the question is do they stay?

Today, after 5 years of her tenure, there are major airport expansion projects around the country. I want to talk a little bit about that, and ask some questions about that. Thousands of new pieces of equipment are scattered here and there. Do they all coordinate? We can talk about that. In my opinion, the FAA has a better-established relationship with air traffic controllers and other employees than at any time in the 18 years that I have been on this Committee and in the Senate.

So again, large shoes to fill, but I do not really have any doubt that you can do that. I support you. I think you will do a good job and I think you have done a terrific job at NTSB. How can I prove that? Hard to do for a relatively short period of time, but I know it. I know it, and I know you, so I feel that I can say that without fear of contradiction from my conscience.

So you do your good job at NTSB, and you move on to something which is even more complicated and in the public eye. There can be no doubt that these challenges are daunting and a few of them will include safety—the FAA's primary mission. But since September 11th members of this Committee, with all of us here in Congress, have been consumed by security-related issues. This is as it should be. But on the other hand, September 11th made clear to everybody how much work needs to be done in this area.

Safety and security are not always the same thing. Sometimes we get more fascinated by security than we do by safety. Safety is tougher. But that is your mission, that is your primary mission.

Our work on transportation security does not make transportation safety any less important. Indeed, given the difficulties that the aviation sector has experienced in the wake of September 11, it is even more critical that we continue to improve the industry's safety record, and to win back the confidence, in any way that we can of the public. That confidence should be there. That confidence is not sufficiently there. It is a little bit of a mystery in some ways, part of the American psyche, part of the times, but nevertheless it is a problem and airlines are reacting to it in ways which are not serving some of us in small States in ways that we particularly like.

But anyway, you know all about this. Budget. Last month Secretary Mineta and Administrator Garvey indicated the FAA may have to furlough air traffic service employees if additional moneys were not appropriated. Since that time, Congress has appropriated some additional funding, but not the amount requested by the Federal Aviation Administration. I am hoping that your testimony will address both your thoughts on the immediate budget situation and on ways we can deal with the issue over the longer term.

That is something we have failed to do for years. We finally passed a decent authorization bill, but we basically have been ignoring aviation infrastructure for all of these years. That is in part Congress's fault.

Congestion. Some of us have started to look back wistfully to last summer, when congestion was the most pressing issue facing the aviation industry. That is what we talked about. Now we talk about other things. But we all know that congestion is not a problem that is going to go away. We, in Congress, are trying to do our best to do our part.

The O'Hare modernization bill, which is something I, as Subcommittee Chairman, feel tremendously strong about—there has been some controversy, but not a great deal, and I think it has to happen. It sort of determines what happens in all kinds of other places, like North Dakota and West Virginia, and I do not know about Arizona, but I suspect Montana, and probably Arizona.

So we have not made any progress on that. Nothing has come out. Senator Hutchison, who is my ranking member, and really we are co-chairs, she is absolutely terrific; we authored a bill that would have streamlined the whole process of getting runways under way. That has done well here, but has not progressed elsewhere. I am eager to learn how you plan to address these issues, if you can do that.

Air traffic control. You face a number of challenges in this area, including how to replace retiring air traffic controllers, contract negotiations with the air traffic controllers union, and controversies surrounding the deployment of new equipment. Of these, perhaps the highest priority is maintaining our air traffic control work force.

Some stunning figures: a June 2002 GAO study found that approximately 5,000 controllers may retire in the next 5 years, which—"may" usually means "will"—is twice the rate of the last 5 years. By 2010, GAO estimates that a total of 7,000 will retire, almost 50 percent of the 15,000 air traffic controllers who now operate.

Clearly, action is needed on this. The time to act is now. I look forward to your thinking about that budding crisis.

Security. Most of the FAA's aviation security functions have been transferred to the new Transportation Security Administration. I am not one who has disputed that. The FAA Administrator will nonetheless have a large role, particularly in those areas where security and safety issues intersect, and there are plenty of those.

Your management of the air traffic control system, for example, has both safety and security implications. The same goes for pilot licensing, aircraft design specifications, reinforced cockpit doors. I am eager for you to be an active participant and look forward to your views on this.

So these are just some of the issues that will be facing you at the FAA. I have a number of questions that I want to ask, as I am sure others do, and they have statements, and I apologize mine is so long. But these are issues that I feel very strongly about. As I said, I think you are very, very good. I look forward to voting for you here and on the floor just as soon as possible.

The next person, obviously, will be Senator McCain.

**STATEMENT OF HON. JOHN McCAIN,  
U.S. SENATOR FROM ARIZONA**

Senator McCAIN. Thank you very much, Mr. Chairman, for holding this hearing on the nomination of Ms. Blakey to serve as the Administrator of the Federal Aviation Administration. As we all know, Jane Garvey, who served with distinction as Administrator of the FAA for the past 5 years, left at the end of her term on August 4th. It is important that we ensure that the FAA has strong leadership to continue the legacy established by Administrator Garvey.

I initially had some doubts about the depth and breadth of Ms. Garvey's aviation experience prior to her being nominated as the FAA Administrator. She has proved to be a strong and effective leader at the FAA. I think Ms. Blakey may face some of these same questions. However, I believe Ms. Blakey has exhibited strong leadership qualities in her most recent position as Chairman of the NTSB, in addition to many other roles held within the Federal Government over the years. I expect she will continue to exhibit these same attributes as head of the FAA.

The confirmation of a new Administrator will mark the second appointment after Congress enacted the 5-year term provision. I believe it is important for an incoming Administrator to commit to a full term. Prior to Ms. Garvey, the Administrator's job was almost a revolving door. Ms. Garvey served her full term even after a change in administrations. The 5-year term is key to the FAA's ability to maintain its independence and its status as the premier aviation safety agency in the world. The extended term of the administrators and the agency's independence make it essential that its leader be unswayed by party loyalties and unaffected by political winds.

As you just stated, Mr. Chairman, the new administrator will face numerous challenges in the coming months and years. Since September 11th, much attention has been focused on the new Transportation Security Administration. The FAA has continued to operate well, but has not faced the Congressional scrutiny over the past year that it normally attracts. That is going to change in light of so many issues that will soon confront our new air transportation system.

In addition to security, we will need to focus on building new runways and infrastructure and expand existing capacity. The push toward a fully modernized air traffic control system needs to continue.

In addition, the FAA's funding is due for reauthorization next year. There will be some tension between security and capacity funding needs. Further, the collective bargaining agreement between the air traffic controllers and the agency is set to expire. These will not be easy issues to resolve.

Ms. Blakey, I want to thank you for your willingness to serve. I hope that we can move your nomination as quickly as possible.

Most Senators on occasion, including this one, seize an opportunity such as this to discuss for a moment a parochial issue. I will do that now. The Grand Canyon Overflights Act was passed in 1987. It is now 2002. We still do not have regulations issued by the

FAA, working with the Park Service, to implement the provisions of that act. I would hope you would give that issue some priority.

Mr. Chairman, I have to go down to the White House in a few minutes for a meeting and so I want to thank you for holding the hearing and I look forward to working with Ms. Blakey in the future. Thank you, Mr. Chairman.

[The prepared statement of Senator McCain follows:]

**PREPARED STATEMENT OF HON. JOHN McCAIN,  
U.S. SENATOR FROM ARIZONA**

Thank you, Mr. Chairman, for holding this hearing today on the nomination of Ms. Marion Blakey to serve as the Administrator of the Federal Aviation Administration. As we all know, Jane Garvey, who served with distinction as Administrator of the FAA for the past five years, left at the end of her term on August 4. It is important that we ensure that the FAA has strong leadership to continue the legacy established by Administrator Garvey.

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The confirmation of a new Administrator will mark the second appointment after Congress enacted the five-year term provision. I believe that it is important for an incoming Administrator to commit to a full term. Prior to Ms. Garvey, the Administrator's job was almost a revolving door. Ms. Garvey served her full term even after a change in administrations. The five-year term is key to the FAA's ability to maintain its independence and its status as the premier aviation safety agency in the world. The extended term of the Administrator and the agency's independence make it essential that its leader be unswayed by party loyalties and unaffected by political winds. This stability allows the Administrator to focus on public safety and not political support.

The new Administrator will face numerous challenges in the coming months and years. Since September 11, much attention has been focused on the new Transportation Security Agency. The FAA has continued to operate well, but it has not faced the congressional scrutiny during the past year that it normally attracts. That is going to change in light of the many issues that will soon confront our air transportation system. In addition to security, we will need to focus on building new runways and infrastructure and expanding existing capacity. The push toward a fully modernized air traffic system needs to continue.

In addition, the FAA's funding is due for reauthorization next year. There will be some tension between security and capacity funding needs. Further, the collective bargaining agreement between the air traffic controllers and the agency is set to expire. These will not be easy issues to resolve. In short, the agency must deal with many difficult matters in the immediate future. That being said, I am committed to working with the new Administrator to ensure that the FAA continues to improve the safety and efficiency of our air transportation in the years to come.

Senator ROCKEFELLER. Thank you, Senator McCain.  
Senator Dorgan.

**STATEMENT OF HON. BYRON L. DORGAN,  
U.S. SENATOR FROM NORTH DAKOTA**

Senator DORGAN. Mr. Chairman, thank you very much. I cannot remain for the entire hearing either, but I did want to come today to say I support this nomination. I think the President has chosen well.

I too am a big fan of Jane Garvey's. I think she did a really terrific job. But again, this is a good choice and I am going to be supporting Ms. Blakey's nomination and do so with enthusiasm.

I do want to mention that there is also a deputy position open. It has been open for years, unfilled. There is a chief operating officer position, a COO, that we authorized in Congress in 1999. It has never been filled. I expect, Ms. Blakey, as you assume this job—and I believe the Congress certainly will move to support your nomination—as you assume this job, I am guessing that you will very much want these other positions to be filled.

I hope the administration will send us names of the quality that they have sent for the Administrator's job. But we do—I think, given the challenges that we face, we need to have the deputy, we need to have the COO that was authorized by Congress. We need to have that filled.

I would just like to mention that we face a lot of challenges in air travel, especially commercial air travel, these days. I mean, you open up a paper and you see the potential bankruptcy of some of the largest carriers, a troubled economy and what that spells for the aviation industry. And you are going to try to run a system that is the largest air traffic control system in the world, be responsible for aviation safety and oversee funds for the construction of the infrastructure.

That is going to be a very big job, I think at a very important time. So we want to work with you and see that you do that job well and help you do that job well.

I too want to just take the moment on a parochial issue. It seems to me that there is a reluctance sometimes on the part of Federal agencies to use resources that the Federal Government has already invested in and paid for. We have at the University of North Dakota what is often referred to as the Harvard of the Sky, the Center for Aerospace Science, in fact one of the preeminent centers in the country. I think Senator McCain has been there.

They, among other things, train air traffic controllers, and they have done contracts with the FAA. I have been there and I have watched on both sides of the same board Russian air traffic controllers being trained, talking to Chinese air traffic controllers in the same room, with an air traffic control board separating them. That is done at an educational institution with Federal investment having been made over the last dozen years or so.

I really want the FAA to take a look at those capabilities that exist around the country, not just at this institution, but at others as well, to find out how you can use that investment that has already been made to help you train more and more air traffic controllers as you need them.

Let me also say that the rural air service is very important. You will hear a great deal about that from Senator Rockefeller, Senator Burns, and myself as we go along.

But I did want to just come to say that I think this is a good choice. You have an excellent record of public service. I wish you well and I will certainly vote for your confirmation with enthusiasm and look forward to working with you.

Senator ROCKEFELLER. Thank you, Senator Dorgan.  
Senator Wyden.

**STATEMENT OF HON. RON WYDEN,  
U.S. SENATOR FROM OREGON**

Senator WYDEN. Thank you very much, Mr. Chairman. I want to associate myself with your remarks, Mr. Chairman, about Ms. Blakey. I think she is an excellent choice. I have just a couple of comments this morning.

Ms. Blakey, it is clear that the Transportation Security Administration and the Federal Aviation Administration have different responsibilities. But to me and I think to the public, the bottom line is that unless these agencies can jointly develop practical solutions to issues like baggage screening there is going to be chaos here in a few months.

Let me be specific. TSA, the Transportation Security Administration, is responsible for baggage screening, but it is the airports that have to install the 1-ton giant scanners. It is the airports that have to reinforce the floors, reconfigure the conveyor belts, and passengers who have to maneuver their own bags to the screeners. So there are going to be important burdens on the airports.

One of the areas that I would like to hear you discuss this morning is what role do you see for the Federal Aviation Administration in working with the airports and with the Transportation Security Administration to avoid what I think is otherwise going to be chaos for passengers and for airports as it relates to these various screening issues.

Like my colleagues, there are going to be some other questions that I would like to examine. I have heard from the Federal Aviation Administration that they are concerned that very often technological improvements that they would like to make are just mired in paperwork, and I would hope that a priority on your watch could be to expedite those.

As we talked about during our meeting in my office, and it was a good meeting and I appreciate your doing it, I hope that you will continue to build on the record of making consumer-friendly information available online. For years people had to file Freedom of Information Act requests to find out about major safety violations at the agency. But Linda Daschle, working with this Committee on a bipartisan basis, changed that. I would hope that we could build on that. I know that you have an interest in safety issues and I would hope that we could continue the bipartisan tradition that this Committee has had in terms of trying to help consumers with that safety data.

Thank you, Mr. Chairman.

Senator ROCKEFELLER. Thank you, Senator Wyden.  
Senator Burns.

**STATEMENT OF HON. CONRAD BURNS,  
U.S. SENATOR FROM MONTANA**

Senator BURNS. Thank you, Mr. Chairman. Thanks for holding this hearing and getting Ms. Blakey into office and getting her going.

I have a couple of parochial questions I want to ask in just a little bit. I will take my turn. I will not ask them right now or what they even cover. But we welcome you here today and we thank you for stepping forward and taking this over.

The FAA is, some have described as, a culture unto its own, not without problems. So I think your challenges in the next 2 or 3 years are going to be many. I happen to believe that we made a couple of mistakes in our airport security bill and now we are sort of paying for that and seeing what can actually happen when you create something and it is never uncreated, in fact it becomes a giant that we cannot handle.

I was in Bozeman the other day, Montana. Now they are telling us there that they are going to have to have 76 screeners in Bozeman, Montana, that loads around 225,000 people a year. 76. I do not know what they are going to do. If they just run around over each other, maybe they will have a hard time getting through each other to help folks out with their bags. I am not sure.

But we have created this and now we are seeing what can happen when we, maybe with good intentions, but we also have some unintentional things happening that do not make us any safer and there is no way they can make us any safer. It is just going to cost a hell of a lot of money.

So I have got a couple of questions with regard to the State of Montana. We have a couple of areas up there that we have been trying to get their attention the last—ever since I have been here—14 years; and so far I guess we have not made a strong enough case. But I hope that you will take our recommendations and take a look into it and see what we can do to fix it.

Thank you, Mr. Chairman, for this hearing.

Senator ROCKEFELLER. Thank you, Senator Burns.

You understand, Ms. Blakey, that the best time to ask the questions is before confirmation.

We now have Senator Fitzgerald.

**STATEMENT OF HON. PETER FITZGERALD,  
U.S. SENATOR FROM ILLINOIS**

Senator FITZGERALD. Thank you, Mr. Chairman. Ms. Blakey, thank you very much for being here. I think you are going to be a great FAA Administrator and I have had the opportunity to get to know you a little bit. I think you have a superb record of public service in a variety of transportation-related posts, most recently at the National Transportation Safety Board.

I think you are aware of all the challenges the FAA has. It is a very tough job, but I think you are probably up to it. I think one of the biggest things the country is going to have to confront in upcoming years is how we change from a radar-based air traffic control system to a global positioning satellite system. It will be very complicated to implement. The FAA has had difficulty implementing new air traffic control systems in the past and so I think there will be significant managerial issues that you will confront.

But I am convinced, on the basis of a review of your record and having met you in person on a couple of occasions and having had the opportunity to talk to you, that you have the makings of a fine FAA Administrator. I am glad that the Committee is moving expeditiously here, because we cannot have that post vacant for too long. So my thanks to the Chairman for having this hearing our first day back from the August break.

Welcome, Ms. Blakey, and we will look forward to talking to you in the question and answer section.

Senator ROCKEFELLER. Thank you, Senator Fitzgerald.  
Senator Stevens.

**STATEMENT OF HON. TED STEVENS,  
U.S. SENATOR FROM ALASKA**

Senator STEVENS. Ms. Blakey, I welcome you, too. As we previously discussed, hopefully you will come to Alaska and see Capstone working. It is, I think, the greatest new technology since radar and really is going to improve our aviation system greatly.

Alaska has seven times more pilots per capita than the national average, so if you want to learn something about flying come up our way. We will be happy to show you what it means. We do not have buses or taxis. Outside of one city, everything else is by air. Seventy percent of our communities can be reached only by air.

You have probably the most important job for Alaska that I can think of within the Administration, other than the fellow that lives at 1600 Pennsylvania. We are making great progress right now because of work that your agency has done along with various other agencies dealing with past fatalities in our aviation community. Safety is on the front burner in Alaska and we need your help to make sure those programs go through, like the Medallion program—a totally volunteer, industry-conceived and industry-operated program. You cannot tell Alaskan pilots what to do from Washington, but you can let them tell themselves what to do from Alaska, and it is working very well.

So I urge you to come up and see it any time. You follow in really big shoes.

Thank you very much.  
Senator ROCKEFELLER. Thank you, Senator Stevens.  
Senator Allen.

**STATEMENT OF HON. GEORGE ALLEN,  
U.S. SENATOR FROM VIRGINIA**

Senator ALLEN. Thank you, Mr. Chairman. I especially thank you for holding this hearing on this very important position. I certainly look forward, and I have read your remarks, Ms. Blakey, to your being the Administrator of the FAA. The Administrator of the FAA has always been a very important position—enormously important—and vital to our economy, communities, the States, and jobs. In our economy, obviously, how the aviation industry is moving does have an impact on jobs. It is down now, but you recognize that it will be back.

I am glad to see that you have noticed the need for air traffic control modernization and also, now more than ever since September 11th, the need for security. Really, you have one of the most challenging positions in the entire Administration.

I would say, Mr. Chairman, that Ms. Blakey is an outstanding choice to be Administrator of the Federal Aviation Administration. You have impressive credentials and background, and I commend the President for this outstanding choice.

Now, I will certainly, and I think this Committee will, work with you for the modernization of the air traffic control system. It has

been needed for a long time. We need to work together and get it done. I am pleased that in your written responses to the Committee's questions, you mention air traffic control modernization as one of your top priorities in the first 2 years of your administration of FAA.

I encourage you to look at new technologies, how technology can help us in scheduling, in creating virtual domes around protected areas—whether they are nuclear power plants or buildings such as the Capitol or others. Embrace advances in technology.

Senator Dodd and I will be introducing or planning to introduce an aeronautics revitalization bill this month intended to reverse the trend of reduced funding for aeronautics research and development. The bill will hopefully include provisions addressing air traffic control management and modernization issues. So, therefore, we look forward to working with you. I am sure Senator Wyden also—we have worked together on these issues—will join with us.

On another matter, since Senator McCain brought up a parochial issue, I shall as well. That has to do with Reagan National Airport. As you well know, general aviation continues to be prohibited at Reagan National Airport. Secretary Mineta at a hearing on aviation security here in May, when queried by me on the situation, said that the plan would be announced by the end of the month. We then had another hearing in July, and I asked him again about the Department's plan to open Reagan National to general aviation.

We are now nearly a year from the tragic events, and Reagan National remains closed to general aviation. It is my hope that we can work together to find the right security, the right procedures, so that we can have secure general aviation back at Reagan National Airport. I look forward to working with you on this challenging subject.

I know it is not solely your decision. I know the Secret Service is involved. If they had their way, Reagan National would probably be closed to commercial aviation as well. So we need to build good security, sound security, enhanced obviously for Reagan National, but get it back open for general aviation.

Again, thank you, Mr. Chairman, for holding this hearing in such a timely manner, and I look forward to working with you and hearing your responses to various questions. Thank you all.

Senator ROCKEFELLER. Thank you, Senator Allen.

Senator Kerry.

**STATEMENT OF HON. JOHN F. KERRY,  
U.S. SENATOR FROM MASSACHUSETTS**

Senator KERRY. Mr. Chairman, thanks very much for having this hearing. I will be very brief.

Let me just say, first of all, Ms. Blakey, we welcome this opportunity to explore some issues with you. I had some reservations about proceeding earlier on this and I want you to know that it has nothing to do with the question of your qualifications whatsoever. You are eminently qualified and I think it is important to, obviously, get somebody in this job.

But I did think it was important to try to signal concern that a number of us have about existing employees within the FAA who

are members of AFSCME who had a contract that has been in existence—let me just say, that was agreed upon between the FAA at the end of the Clinton Administration, and there is a disagreement between the parties now as to what procedure might have been followed after that. But for an unknown reason it has been sent to OMB and it has sort of been held there, which was not part of the agreement at the end of the Clinton Administration.

So there are some 2,000 employees whose morale is low, whose capacities are not being utilized to the fullest as a consequence of this situation. I think it is really important to try to get that resolved. I do not think that anyone is well served by having a year and a half go by in which the contract sort of sits in limbo.

The message that is sent by that is I suppose discernible, if indeed that is the message that is meant to be sent. If it is not the message that is meant to be sent, then there is no reason not to complete the mission, so to speak.

Second, Boston Logan Airport is one of the few places in the country that is going to meet the screening deadline on time. We are proud of that, particularly because of the sad, tragic association of that airport with the events of last year. But it is having great trouble getting compensation under the TSA for the expenditures and for the layout. I think again, if there is going to be that kind of sort of slow response—I know that is not directly under you. I think you as a prospective Administrator will have an enormous capacity to be able to have an impact on those kinds of decisions because you still will have a very serious role with respect to airport safety.

The final comment I just want to make very quickly is there are a whole slew of issues, obviously, which for a long time have been subject to enormous bureaucratic resistance. It is the bane of all of our existence. It bears no party label. It has happened in both administrations, Republican, Democrat. But somehow the economy and the safety of our airways and the capacity of our airports to be maximized and of our ability to move goods and people, both of which are essential for the growth of our country, are restrained as a result, just because there is this inertia, this unwillingness to try and move and make decisions, whether it was getting screening equipment into airports or whether it is resolving some of the airway congestion.

Speaking to what Senator Allen just said, there seems to be a defiance of common sense in some of the security procedures and some of the ways in which we are approaching decisions about aircraft routes and flights and so forth. There has to be a way that one can create a clearance system for general aviation with pilots, many of whom are ex-American military, who have security clearances, who have all the ability in the world through codes, transponders, and other things to signal whether there is a problem on the tarmac or whether there has been a hijack, whatever.

There are ways to create a system that does not have to shut down commercial enterprise the way we are today. There are ways to facilitate the flow of people through our airports with the modern technology of personal identification that we have today, to be able to create less lines, less backup, and less sort of stupid—the story, I know it is a nice symbol to have Al Gore stopped with ev-

erybody else, with his arms out and so forth, being searched. But if everybody does in fact know who that person is, while four other people may pass by who might better have been served with that kind of search, it does not make sense, and I do not think anybody here thinks it does make sense.

So there has to be, I hope, a way to try to streamline the capacity of our country to sort of facilitate people's flow through airports and to again de-congest the airways, which have been an ongoing problem for some period of time, more rapidly and more effectively. I really hope that you will set about to rapidly examine and try to implement those methodologies. I thank you for that.

Thank you, Mr. Chairman.

Senator ROCKEFELLER. Thank you, Senator Kerry.

I might just mention, Ms. Blakey, that in flying home from one of our many, many flights from West Virginia to this area last night, I went through a complete search and took my shoes off, and it was good. So I disagree a little bit with Senator Kerry.

My point is that it is not—the people who were doing it were sort of embarrassed about it. But I, evidently, had something in my shoe or something that bothered them and they had to do that. In fact, other passengers were watching it and I think it sort of democratized the process. You know, everybody is going to get the same treatment, and this is one of the problems. The pilots did not like that for a while. Well, too bad. You know, everybody gets the same treatment, and if you are going to be security conscious you have got to be security conscious on an equal basis.

I do not mean to disagree specifically with the example of Senator Kerry, but I was glad I went through that process last night. And I know how to knot up my sneakers and everything, so that worked out OK.

Senator KERRY. Maybe you have knowledge about your own proclivities that nobody else does.

Senator ROCKEFELLER. Well, that may be. But you understand my point. There are two sides to that and it is a difficult issue.

Let me ask a couple of questions. We will go by the 5-minute rule here. This is on staffing needs. The Secretary indicated that he had to have \$100 million and he was appropriated \$42 million with another \$33 million that could have come out of the Airport Trust Fund. That was in order to do the hiring that he needed to do. Otherwise he was going to have to furlough lots of employees.

Now, being involved with aviation as I am, I think it is essential that Congress do what is necessary to keep our aviation system moving and having it fully staffed. So I am wondering, how do you react to this question of shortfall, potential large or medium-sized shortfall in terms of funding, particularly as it affects inspectors and controllers?

I have made a rather large error. You would like to say something. So if you could try to remember my question, which I will be glad to repeat.

Ms. BLAKEY. I can.

Senator ROCKEFELLER. That is what happens when we all talk so long. Sometimes you forget.

Ms. BLAKEY. Well, that is all right.

Senator ROCKEFELLER. You are not under the 5-minute rule. You can talk for however long you want, and I apologize to your husband and to your daughter.

**STATEMENT OF MARION CLIFTON BLAKEY, CHAIRMAN,  
NATIONAL TRANSPORTATION SAFETY BOARD AND  
ADMINISTRATOR-DESIGNATE OF THE FEDERAL  
AVIATION ADMINISTRATION**

Ms. BLAKEY. Not at all. On the theory that perhaps a few comments here might address some of the broad concerns that have been expressed from the members of this Committee, I will try to make them very brief. But I do want to start by thanking you, Mr. Chairman, and this entire Committee for holding this hearing so promptly, the day after recess. This was a very real vote of support for the FAA and I appreciate it personally because I do hope we can move forward together.

I also want to tell you that it is certainly an honor from my standpoint to appear here as the President's nominee to be Administrator of the Federal Aviation Administration. I realize that there are enormous challenges in this job, but at the same time, I cannot tell you what an honor it is to me personally, and a vote of confidence in a lot of people I have worked with at the NTSB and elsewhere, to be asked to take this on.

I also do want to thank my family for being here, my husband Bill, my daughter Mona. They have obviously been with me and supported me during a lot of challenges and I have a feeling I am going to have to call on them again in this position as well.

I also do want to acknowledge the exceptional leadership that the President, Secretary Mineta, Deputy Secretary Jackson, who is here with us today, and Administrator Garvey showed in the wake of the tragedy of 9-11. Not only have they strengthened the safety and the security of this country, but they have also worked very hard to help our aviation industry rebound, and for that I think we are all grateful.

Should I be confirmed, I intend to work very hard to advance their critical efforts along these lines and to work with you to ensure that the United States aviation system is literally the safest, most secure, and most efficient transportation system in the world.

Now, I have been privileged, as several of you have noted, to have some years ago served as the head of the National Highway Traffic Safety Administration and most recently as the Chairman of the National Transportation Safety Board. The NTSB has an exceptional group of professionals who work each and every day to advance public safety in all modes of transportation. But, simply put, without the support in so very many ways of this Committee, public safety would not be where it is today and certainly the work of the NTSB could not go forward. So I would be very remiss if I did not personally take time to thank you for that.

As Chairman of the NTSB, I have had the opportunity to work closely with the FAA, with industry leaders, airport leaders, citizen groups, transportation union officials, as well as Members of Congress, on many of the safety issues facing our aviation system. I have also seen firsthand the importance of cooperation and partnership between the public and private sectors.

I have to say that among the many notable achievements of Jane Garvey one thing really stands out, and that is a strong system of consensus-building, and partnership, that she achieved between the public and private sector. It is one of her key legacies and in point of fact, if confirmed, I will work very hard to build upon that approach to meet the agency's current and future challenges, because they are real, as you have noted, and work to have real partnerships, not only with the aviation community itself, but with the broader group, the flying public, the manufacturers, airlines, the GA community, and our transportation leaders at State and local levels.

You all have noted many challenges in the system. Let me first just mention a couple because I do think it is important to try to have our priorities straight from the outset. Almost everyone here has mentioned security and I have to say that cooperating with the Transportation Security Administration to both maximize safety as well as security, while allowing the system to operate efficiently, is a top priority.

Ensuring the world's safest skies become even safer is also a major priority in and of itself. This includes implementing the NTSB safety recommendations, developing innovative programs such as the FAA's Flight Operational Quality Assurance Program—I know it affectionately as "FOQA"—that really does advance our work by giving us precursor information, data from pilots and those on the front lines, about what is really happening in the system; and looking to advance the technologies that are out there, to really implement them in a way that is going to make navigation safety on the front lines in our technology.

Third, I think we need to talk about maximizing the aviation system's efficiency to accommodate all of the increases we are talking about in traffic. I personally have great confidence that this system is going to rebound and when it does we must not be caught flat-footed. We have to therefore continue to work to advance the air traffic system and improve the use overall of the Nation's airspace.

Finally, I have to say that I was so encouraged to hear a number of you mention the importance of filling positions at the FAA, because establishing a strong management team—no one person can do this job alone—is critical, and I would certainly say that filling the chief operating officer position in particular is one that I want to move very quickly to address.

Next year this Committee is going to consider the reauthorization of the FAA's programs and it will be time to assess the agency's performance, set priorities, realign them if necessary, and look at the mission and the way we are approaching this, and whether we have the necessary funding as well as statutory authority to do the job. If confirmed as Administrator, I will work very closely with this Committee to ensure that the agency's reauthorization process provides a platform, a real starting point to ensure that we go to a new peak of both safety and efficiency.

You know, it has been said that the hallmarks of basic airmanship are practical application of training, skill, experience, and professional judgment, which is exactly what our pilots, our crews, our controllers, and everyone involved in aviation in this country does on a daily basis. I believe they do it better than any-

one else in the world. As a result, I am very honored, Mr. Chairman, by the trust that the President and others have placed in me in asking me to be the nominee for this position.

If confirmed, I pledge that I will do my best to guide the FAA through the many challenges that you and others have enumerated that face the FAA in the days and years ahead. I hope to do it with the same level of skill, experience, judgment that has been shown by my colleagues in aviation day in and day out.

I would like to thank the Committee again for the swift consideration of my nomination. I would be happy to entertain questions. Thank you.

[The prepared statement of Ms. Blakey follows:]

PREPARED STATEMENT OF MARION CLIFTON BLAKEY, CHAIRMAN, NATIONAL TRANSPORTATION SAFETY BOARD AND ADMINISTRATOR-DESIGNATE OF THE FEDERAL AVIATION ADMINISTRATION

Mr. Chairman, Senator McCain, and distinguished members of the Committee:

It is truly an honor to appear before you today as President Bush's nominee for Administrator of the Federal Aviation Administration (FAA). Thank you for holding this hearing so promptly. I know your schedules are full, and the Senate has a packed agenda, so I will keep my opening remarks brief and allow as much time as possible for questions.

Mr. Chairman, I know the President and Secretary Mineta share this Committee's concern that there be strong leadership at the FAA. Indeed, this is a critical time for our Nation's aviation industry. For this reason, the FAA's important work in ensuring aviation safety, improving the nation's air traffic control system, and meeting aviation capacity challenges must continue without interruption or delay. Should the Senate honor me with confirmation, I will work hard to ensure a smooth transition and a strong management team at the FAA.

At this time I want to acknowledge the exceptional leadership provided by the President, Secretary Mineta, and Administrator Garvey, especially in the wake of the September 11th tragedies. Not only have they strengthened the safety and security of our country, but they have also worked hard to help our aviation industry rebound. Should I be confirmed, I intend to advance their critical work by making sure that the United States' aviation system is the safest, most secure, and most efficient air transportation system in the world.

It should come as no surprise that I emphasize safety. As you know, at an earlier point I headed the National Highway Traffic Safety Administration, and now I am Chairman of the National Transportation Safety Board (NTSB). I want to take this opportunity to thank the Committee for all its support of the NTSB and its employees. Each and every day, the men and women of the Safety Board strive to protect and advance public safety in all modes of transportation. They are an exceptional group of professionals, and I can honestly say that nothing has been more rewarding to me than working with them to strengthen the safety of our transportation system.

If confirmed I will be tasked with assessing and implementing many of the recommendations that the NTSB has issued to the FAA, and I will no doubt find myself responding to letters I've written. Taking action in many cases will be challenging, but I intend to follow through on the NTSB's recommendations vigorously. As I looked back through our records, I saw letters where former FAA Administrator Don Engen was also being tasked by himself and—if he were still with us—I'm sure he could offer me sound advice.

As Chairman of the NTSB, I have had the opportunity to work closely with the FAA, with industry leaders, airport officials, citizen groups, transportation labor leaders, as well as with Members of Congress on many major aviation safety issues. I have also seen first-hand the importance of cooperation and partnership between the private and public sectors in advancing safety. Among Jane Garvey's many notable achievements, one of her key legacies is a strong system of consensus building between the public and private sectors. If confirmed, I intend to support and build on this approach to meet the agency's current and future challenges through partnerships with the aviation community—including the flying public, the manufacturers, the airlines, the general aviation community and transportation labor leaders.

What are these challenges? Let me briefly discuss what I believe are just a few of the major challenges confronting the FAA.

It is fortuitous that this hearing should take place during the same week the Senate is considering landmark legislation to establish the Department of Homeland Security, which would include the Transportation Security Administration (TSA) as one of its core components. The creation of this new department highlights one of the major challenges currently facing the FAA—how best to maintain and increase the focus on aviation safety in a post 9-11 environment in which security concerns are paramount. As I said, I believe cooperation is essential. The FAA must work closely with TSA to maximize safety and security while allowing the system to operate effectively. I know this is a priority for Secretary Mineta, and it will be a priority for me, should I be confirmed.

Improving security while ensuring that the world's safest skies become even safer is a challenge. By implementing NTSB safety recommendations, developing innovative programs, and working with the aviation industry, the new Administrator can help further reduce the nation's accident rate.

One important way to drive down the nation's accident rate is to expand our understanding of the human factor—the single largest contributor to aviation accidents. In part, we can do this by collecting and analyzing as much information as possible. The FAA's Flight Operational Quality Assurance Program (FOQA) will play an important role in accomplishing this goal. Twelve airlines currently participate in the FOQA program, which enables voluntary reporting of digital flight data from airline operations. This information is then analyzed to identify adverse safety trends for proactive accident prevention. I believe that FOQA—and programs like it—will play a significant role in reducing the nation's accident rate.

The new Administrator will also be confronted with maximizing the aviation system's efficiency in order to accommodate anticipated increases in traffic. Meeting this challenge will involve both continuing to modernize the system as well as developing improved utilization of the nation's airspace. Before September 11th, the FAA predicted considerable growth in the aviation industry. Although the industry is currently experiencing a slowdown, many experts predict that the industry will soon return to pre-September 11th levels. This increase will intensify safety concerns as well as capacity pressures. The FAA has utilized the tools provided by Congress, including procurement reform, to sustain, renew, and expand the capabilities of the air traffic control system. Some of the tools in place are providing system users with tangible benefits, such as more direct routing and reduced diversions in inclement weather. But system modernization is a continuous process, and the pressure to develop and implement new tools must be maintained in order to meet tomorrow's demands.

Until recently, the use of our airspace remained largely unchanged while other components of the aviation system were improved significantly. Maximizing the nation's airspace efficiency is critical to meeting future capacity demands. I think the FAA's Operational Evolution Plan (OEP)—a comprehensive 10-year plan that provides an understanding of how agency resources will enable the agency to achieve specified goals—is an excellent management tool. This plan, which includes airspace redesign, airport improvements, and system modernization, is only a blueprint. Executing the plan is critical and will require the combined efforts of Federal, State, and local government and system users.

Finally, the staffing and internal organization of the FAA requires attention. The search for a Chief Operating Officer (COO) continues. Although filling the position won't be easy—it must remain a top priority. As you know, an Air Traffic Organization (ATO) is in the process of being created. Important safety and efficiency initiatives, such as performance metrics and cost accounting must be expanded and implemented. Based on my experience at NHTSA, at the NTSB, and in the private sector, I know that in order to accomplish an organization's mission you have to employ the best people, give them the best tools, and support them with appropriate resources. If this is done correctly, then true accountability for performance can be achieved.

Next year, this Committee will consider the reauthorization of the FAA's programs. It will be a time to assess the agency's performance, set priorities, and support its missions with the necessary funding. It will also be important to have extensive input and feedback from the aviation community on how best to build on and further improve the aviation system's safety record. If confirmed as Administrator, I will work closely with the Committee to help ensure that the FAA's reauthorization process provides a platform to take our system to a new peak of safety and efficiency.

Mr. Chairman, I am honored by the trust the President has placed in me as his nominee. If confirmed, I pledge to do my utmost to guide the FAA well through the many challenges that lie ahead. I would like to thank this Committee again for its swift consideration of my nomination, and I look forward to a close working relation-

ship should the Senate act favorably. I would be pleased to answer any questions you may have.

A. BIOGRAPHICAL INFORMATION

1. Name: Marion Clifton Blakey.
2. Position to which nominated: Administrator, Federal Aviation Administration.
3. Date of Nomination: Not available.
4. Address: Information is not available to the public.
5. Date and place of birth: Information is not available to the public.
6. Marital status: Husband: William Ryan Dooley.
7. Names and ages of children: Daughter: Mona Topp Dooley, Age 14.
8. Education: High School: Sidney Lanier High School, Montgomery, Alabama, 1963-1966, Diploma received 1966. College: Mary Washington College, Attended September 1966 to May 1970, BA received 1970; Universita di Firenze, Attended June 1969 to August 1969, no degree; Universita Per Stranieri, Attended March 1969 to June 1969, and Diploma received. Graduate school: John Hopkins University, School of Advanced International Studies, Attended from 1971 to 1973, Completed 1 year of a 2-year Masters degree.
9. Employment record: National Endowment for the Humanities, November 1970-August 1984, 1200 Pennsylvania Ave., Washington, DC, Director of Public Affairs, Program Specialist. Department of Education, October 1985-November 1987, 400 Maryland Ave., Washington, DC, Director of Public Affairs. The White House, November 1987-August 1988, 1600 Pennsylvania Ave., Washington, DC, Special Assistant to the President for Public Affairs. The White House, August 1988-February 1989, 1600 Pennsylvania Ave., Washington, DC, Deputy Assistant to the President for Public Affairs & Communications Planning. Department of Commerce, March 1989-July 1989, 14th & Constitution Ave., Washington, DC, Consultant. Department of Commerce, July 1989-August 1990, 14th & Constitution Ave., Washington, DC, Director, Office of Public Affairs. Department of Transportation, August 1990-September 1992, 400 7th St. SW, Washington, DC 20590, Assistant Secretary for Public Affairs, USDOT. Department of Transportation, September 1992-January 1993, 400 7th St. SW, Washington, DC 20590, Administrator, NHTSA, USDOT. Blakey & Associates, 1993-2001, 1501 M Street NW, Washington, DC 20005, President. National Transportation Safety Board, September 2001-Present 490 L'Enfant Plaza East, SW, Washington, DC 20594, Chairman.
10. Government experience: Served as a member of the Commission on Presidential Scholars, 1989-1990. Served as a consultant to U.S. Department of Transportation January 2001.
11. Business relationships: Blakey & Associates, Inc.—President.
12. Memberships: 1993 to present—National Advisory Committee of Best Friends Foundation. 1994 to present—Executive Committee CARE ball, Washington, DC. 1997 to 2000—Vestry, St. John's Church at Lafayette Square. 2002—Advisory Board, The Belizian Grove (professional women's group)
13. Political affiliations and activities: (a) None. (b) Volunteer, Republican National Convention, 2000. (c) May 1995—People for Pete Domenici, \$1000.00. May 1995—Joe Skeen for Congress Inc, \$500.00. Dec 1995—Dole for President, \$1000.00. June 1996—Republican National Committee, \$1,000.00. February 1999—Dan Quayle, \$1,000. February 1999—Elizabeth Dole, \$1,000. June 1999—George W. Bush, \$1,000. June 1999—George W. Bush, \$1,000. August 2000—Spencer Abram, \$1,000. October 2000—Republican National Committee, \$5,000.
14. Honors and awards: National Merit Finalist, 1966. Pi Gamma Mu National Social Science Honorary, 1970. Belk Foundation Award, 1966. UDC National 4-year scholarship, 1966-1970. Judge, TV and radio awards, Corporation for Public Broadcasting, 1980. Member, Commission on Presidential Scholars, 1989. Honorary Doctor of Science Degree, College of Aeronautics, 2002. Alumni Member, Phi Beta Kappa, Mary Washington College, 2002. Distinguished Alumni Program, Mary Washington College, 2002.
15. Published writings: Remarks of Marion Blakey at the Automotive News World Congress, published in *Automotive News*, February 22, 1993. "Good Call, Mr. Pena," Marion Blakey, *The Washington Post*, December 9, 1994. "The Air Bag Battle . . . the Claybrook Speech," Diane Steed, Jerry Curry & Marion Blakey, *The Washington Post*, December 13, 1996. "Back Seat is Safest for Children," Letter-to-the-editor, Marion Blakey, *USA Today*, July 12, 1996. "Getting hardcore drunk drivers off the road," Marion Blakey & John Lawn, *State Government News*, June/July 1998. "Getting hardcore drunk drivers off the road," Marion Blakey & John Lawn, *The Washington Post*, May 20, 1998. "U.S. Hardcore drunk drivers using flawed legal system,"

Marion Blakey, *The Beaumont Enterprise*, October 29, 1999. "Confronting the problem of Hardcore Drunk Drivers," Marion Blakey, *Impaired Driving Update*, January/February 1999. "Combating Hardcore Drunk Driving: A Sourcebook of Promising Strategies, Laws & Programs" (The Century Council) 1997. "Criminalizing Auto Defects is Unsafe," Marion Blakey, *The Wall Street Journal*, September 26, 2000. "Missouri Booster Seat Legislation will Save Children's Lives," Marion Blakey, *St. Louis Post Dispatch*, April 1, 2002.

16. Speeches: October 16, 2001, National Association of Governor's Highway Safety Representatives annual meeting, Long Beach, California (Speech). October 25, 2001, National Safe Kids/NAACP/UAW/GM Child Car Seat Inspection and Give-away Event, Baltimore, Maryland (Speech). January 12, 2002, Annual Management Conference National Railroad Construction and Maintenance Association, Inc., Miami, Florida (Speech). January 20, 2002, International Bus Expo, United Motorcoach Association, Indianapolis, Indiana (Speech). January 23, 2002, Association of Oil Pipelines Annual Winter Meeting, Washington, DC (Speech). January 30, 2002, NTSB Annual Awards Ceremony (Speech). February 7, 2002, Child Passenger Safety Week Press Conference, Washington, D.C. (Speech). April 15, 2002, Safety at Sea and Marine Electronics Exhibition and Conferences, Amsterdam, Netherlands (Speech). April 23, 2002, NTSB Diversity Day Celebration (Speech). April 30, 2002, American Automobile Association National Conference, Chicago, Illinois (Speech). May 6, 2002, American Association of Airport Executives, Atlantic City, New Jersey (Speech). May 8, 2002, Virginia Department of Motor Vehicles, Richmond, Virginia (Speech). May 15, 2002, Address to NTSB Employees (Speech). May 18, 2002, College of Aeronautics Commencement, New York, New York. May 23, 2002, Aero Club of Washington, DC (Speech). June 10, 2002, Lifesavers Conference, Orlando, Florida (Speech). June 18, 2002, Flight Safety Foundation (Speech). June 21, 2002, MADD Board of Directors (Speech). July 10, 2002, ATA Safety Council (Speech).

17. Selection: (a) Do you know why you were chosen for this nomination by the President? I believe I was chosen for this position because I have a long-standing commitment to transportation safety, and I have developed my leadership skills and executive management experience in both the public and private sector. My experience as Chairman of the National Transportation Safety Board (NTSB), Administrator of the National Highway Traffic Safety Administration (NHTSA), Assistant Secretary for Public Affairs at the Department of Transportation (DOT) and owner of a public affairs firm has prepared me to deal with the challenge of managing the Federal Aviation Administration (FAA).

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment? The goal of the FAA is to provide the safest, most secure, and most efficient air transportation system in the world. As Chairman of the NTSB for the past 10 months, I have worked closely with the FAA to achieve its goals and to improve the safety of the nation's aviation system. As Chairman, I not only have developed an understanding of the major safety issues facing the aviation industry, but I also have attempted to build a productive working relationship with Congress and many of the industry's leaders—in both the private and public sectors.

Over the past two decades, I have consistently worked on transportation-related issues. I served as Assistant Secretary for Public Affairs at the U.S. DOT from 1990 to 1992. In this capacity, I worked with the FAA, the Coast Guard, the Federal Railroad Administration, and other modal administrations. I then served as Administrator of the NHTSA and worked to reduce the high number of deaths and injuries on our country's highways. I was responsible for dealing with automotive regulatory and safety matters as well as managing broad public education campaigns concerning traffic safety issues, such as drunk driving and the use of safety belts.

Prior to my service as Chairman of the NTSB, I ran a public affairs consulting practice that concentrated on transportation safety.

Finally, my thirty years in both government and the private sector have given me the experience to deal with the management challenges of administering the FAA. In addition to my management experience, my many years as a career civil servant have given me an understanding of the rank and file of government as well as the supervisory level.

#### B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate? I currently have no such connections.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain. No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization? No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service? No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? Yes.

#### C. POTENTIAL CONFLICTS OF INTEREST

1. Describe *all* financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers. None.

2. Indicate any investments, obligations, liabilities, or other relationships that could involve potential conflicts of interest in the position to which you have been nominated. Please refer to General Counsel's Opinion letter enclosed.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated? None. Potential conflicts relating to my prior position as President of Blakey & Associates have been resolved. Please refer to General Counsel's Opinion letter enclosed.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration, and execution of law or public policy. Between 1993 and 2002, I served as a consultant to businesses and non-profit organizations, providing counsel and assistance on a number of areas of public policy. For the most part, our firm's work involved strategic planning and communications assistance rather than direct lobbying, although we often provided public relations assistance for lobbying efforts. For example, in the past, Blakey & Associates worked on behalf of a group (the Coalition for America's Gateways and Trade Corridors) we helped form. Our firm provided policy development, coordination, and public relations support to this group to increase funding for intermodal freight infrastructure in the United States.

We also worked on behalf of the Airport Council International on legislation increasing passenger facility charges and other matters.

In addition, as Chairman of the NTSB, I testified before the House and Senate Authorization and Appropriations Committees. I also testified on behalf of the NTSB in hearings related to rail and highway safety.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.) Please refer to General Counsel's Opinion letter enclosed.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position? Yes.

#### D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details. No.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county, or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details. No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in an administrative agency proceeding or civil litigation? If so, provide details? No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination. None.

## E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines set by congressional committees for information? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the committee with requested witnesses, to include technical experts and career employees with firsthand knowledge of matters of interest to the committee? Yes.

4. Please explain how you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress. As Administrator of the NHTSA, I played an active role in ensuring that the agency's regulations complied with Congress' intentions. I worked to foster open communication and participation between Congress, the public, and affected parties. If confirmed as Administrator of the FAA, I will continue the practice of active involvement in the review and enforcement of regulations.

5. Describe your department/agency's current mission, major programs, and major operational objectives. The FAA's goal is to ensure that the United States' aviation system is the safest, most secure, and most efficient air transportation system in the world. The FAA fulfills its mission by implementing and enforcing air traffic control regulations and procedures. Further the FAA is responsible for regulating aircraft, pilots, maintenance personnel, airports, and commercial space launch activity. The FAA's operational objectives must support all of the above-mentioned services at the best value to the taxpayer.

6. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

## F. GENERAL QUALIFICATIONS AND VIEWS

1. How have your previous professional experience and education qualified you for the position for which you have been nominated. Over many years, I have demonstrated a strong commitment to transportation safety as well as effective leadership skills and extensive executive management experience in both the private and private sector.

As Chairman of the NTSB for the past 10 months, I have worked closely with the FAA to improve the safety of the Nation's aviation system. In that position, I have developed a keen understanding of the major safety issues facing the aviation industry, and have affirmed my strong commitment to transportation safety. I have also worked to build a productive working relationship with Congress and many of the industry's leaders—in both the private and public sectors.

Before my tenure at the NTSB, I worked on transportation issues for over a decade. At the DOT, I served in senior management positions and worked closely with the FAA, the Coast Guard, the FRA and other modal administrations on a number of difficult safety problems. In particular, my service as Administrator of NHTSA provided me experience with issues such as traffic safety, motor vehicle engineering, and driver behavior.

Between 1993 and 2001, I ran a public affairs consulting practice that concentrated on transportation safety.

Finally, my thirty years in both government and the private sector have given me the experience to tackle the management challenges of administering the FAA. In addition to my management experience, my many years as a career civil servant have given me an understanding of the rank and file of government as well as of the supervisory level.

2. Why do you wish to serve in the position for which you have been nominated? I believe a safe, secure, and efficient air transportation system is critical to the Nation's prosperity and well-being. I cannot think of a more important service—especially during these challenging times—that I could perform. I have worked closely with the FAA over the years, and I am deeply honored that the President has nominated me as to serve as Administrator.

3. What goals have you established for your first 2 years in this position, if confirmed? I believe it would be premature for me to establish multi-year goals until after I am confirmed as Administrator and have had the opportunity to examine in depth the agency's current and upcoming issues. I would be comfortable, however, stating that future goals would fully embody the FAA's long-standing strategic initiatives regarding enhancements in safety, efficiency, and air traffic control modernization.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills? Although much of the work I have done as Chairman of the NTSB over the past 10 months has been in the aviation field and related to complex, technical aviation issues (including those involved in the ongoing accident investigation of American Airlines flight 587), I intend to continue to increase my technical aviation expertise.

5. Who are the stakeholders in the work of this agency? As the aftermath of September 11th demonstrated, a safe, secure, and efficient air transportation system affects the economic prosperity of all Americans. Every person in our country has a stake in the work of the FAA, including the employees themselves, pilots, air-traffic controllers, CEOs, airline employees, and all who travel by air. Certainly citizens in other countries have a stake in the work of the FAA as well since our transportation systems cross international lines.

6. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question No. 5. I strongly believe that the FAA needs to be responsive to all stakeholders, whether they are individual passengers concerned about airline safety and security, the CEOs of airlines, union members, aviators involved in enforcement proceedings, or Members of Congress requesting clarification of an FAA regulation or information about an FAA program or project. Our stakeholders are also our constituents, and as Administrator, I will emphasize to all employees the need for responsive, accurate and timely constituent service.

7. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices similar to those practiced in the private sector. (a) What do you believe are your responsibilities, if confirmed, to ensure that your agency has proper management and accounting controls? As Administrator I would work closely with the DOT's Chief Financial Officer to become knowledgeable about the FAA budget, to understand the roles and responsibilities of the FAA's departments, and to ensure that the FAA is complying with agency financial plans and statutory requirements. As Administrator, I would be responsible for ensuring careful, prudent, and efficient use of taxpayer money in carrying out the mission of the FAA.

(b) What experience do you have in managing a large organization? As Administrator of NHTSA, I managed an agency of 660 people with a budget of \$270 million. I served in Federal management positions for over 20 years, including my recent tenure at the NTSB with 450 people and a budget of approximately \$70 million. I also started and ran a successful private-sector business. While I recognize that every agency is unique and has its own administrative challenges, I believe my management and communication skills are significant strengths I bring to this job.

8. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals. (a) Please discuss what you believe to be the benefits of identifying performance goals and reporting on your progress in achieving those goals. Identifying performance goals consistent with President Bush's and Secretary Mineta's goals and reporting on the progress in achieving those goals are good business practices. These actions provide planning, focus, and accountability to the agency—three things necessary for a well-run organization. When done correctly, these initiatives help FAA managers determine whether the existing commitment of resources serves the public's interest and reflects the agency's achievements and progress.

(b) What steps should Congress consider taking when an agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing or consolidation of departments and/or programs? Ensuring achievement of an agency's performance goals should be a top priority for any agency head. If confirmed as FAA Administrator, I will work closely with our authorizing and appropriating committees and will make sure I am aware of Congressional concerns about the performance of any of the FAA's departments or programs before steps such as elimination or privatization become necessary. When concerns are expressed, I am committed to investigating them and to working with Congress to improve the situation.

(c) What performance goals do you believe should be applicable to your personal performance, if confirmed? I believe my personal performance goals should be directly related to the mission of the FAA. They should require that I manage the agency's work with skill and integrity and that I provide a regular accounting to President Bush, Secretary Mineta, the Congress and the public on how well the agency is meeting its stated goals.

9. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you? My philosophy of supervision has always been characterized

by a collegial, team approach that values specific technical knowledge as well as managerial skills and seeks to vest authority, whenever appropriate, in those who have the most expertise in a given area. At the same time, I believe the role of a strong supervisor is to set high goals and clear objectives, to provide resources and tactical guidance as needed, to work with employees to ensure success, and to assess that work regularly against agreed-upon goals and standards.

To the best of my knowledge, no employee complaints have ever been brought against me.

10. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please describe. As Chairman of an independent agency, I have developed a close working relationship with many Congressional members and committees. During my tenure at the NTSB, I have met regularly 14 with Congressional leaders, members and staff of the Board's House and Senate Appropriation and Authorization Committees. Since February 2002, I testified six times on transportation safety issues and routinely notified and updated appropriate members and staff on the Board's investigations and on-going work. In addition, in several previous positions in government, I have worked closely with the Congress and testified before Congressional committees.

11. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency. The Inspector General's role is in many ways similar to that of an internal auditor in the private sector, (recognizing, of course, that the IG reports to Congress and to the Secretary, not the Administrator). The Inspector General's auditing and investigative roles are critical since they provide necessary oversight and accountability for the agency. I look forward to meeting with the IG to discuss unresolved issues in recent reports and to prepare for future financial management reviews. I would expect to have a constructive, cooperative, and candid relationship with the IG—one characterized by regular meetings and open communication.

12. Please explain how you will work with this Committee and other stakeholders to ensure that regulations issued by your department/agency comply with the spirit of the laws passed by Congress. As Administrator of the NHTSA, I played an active role in ensuring that the agency's regulations complied with Congress' intentions. I worked to foster open communication and participation between Congress, the public, and affected parties. If confirmed as Administrator of the FAA, I will continue this practice.

13. In the areas under the department/agency's jurisdiction, what legislative action(s) should Congress consider as priorities? Please State your personal views. It is important that the Congress and the FAA work together to ensure an on-time reauthorization of the AIR 21 legislation. President Bush and Secretary Mineta have a considerable agenda of safety and congestion-reduction goals. Should I be confirmed as the FAA's next Administrator, I will work with the members of the Commerce Committee to ensure that the safety and efficiency of the U.S. aviation system continues to improve.

14. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending based on national priorities determined in an open fashion on a set of established criteria? If not, please State why. If yes, please State what steps you intend to take and a timeframe for their implementation. I believe that discretionary spending should be allocated in a manner that is fixed, fair and includes an open and acknowledged standard or criteria. Funding should reflect the statutory intent of authorized programs.

Senator ROCKEFELLER. Thank you very much. That was a good statement—

Ms. BLAKEY. Thank you.

Senator ROCKEFELLER [continuing]. And confidence-builder.

Let me just go back to, again going to the 5-minute rule, to the question that I originally asked. The Secretary wanted \$100 million. \$33 million plus \$42 million, however you want to add it, does not equal \$100 million. You need to be staffed up with air traffic controllers and inspectors. How do you see this problem?

Ms. BLAKEY. Well, of course I still see this problem from the outside at this point. But I must tell you, when I read in the newspaper about the prospect of furloughs, it was one of the first things that I did ask about and talk about with both Secretary Mineta

and others, because I wanted to be sure that in arriving at the FAA perhaps I was not going to be home alone there.

In point of fact, I know that the discussions on this are proceeding. I have confidence, based upon the information that was explained to me, that we will be able to close this and we will not be looking at furloughs during this month as we move forward. So while the negotiations are not complete, and the answers are not all in, I have confidence, based upon what I know so far, that we are going to be able to work this out.

Senator ROCKEFELLER. The money does not add up.

Ms. BLAKELY. I am aware of this, and I am aware that the discussions between the Administration, OMB, the Secretary, are proceeding as to what we should do at this point. I do not have the answer on this, and of course it is of lively concern. I am not confident at this point that all of these issues have been completely addressed to everyone's satisfaction. But I think they will be.

Senator ROCKEFELLER. OK, I appreciate that.

The retirement question is just a stunner. We hear it really in so many fields now, in teaching, but for the purposes of this you have that many air traffic controllers retiring, 50 percent. That is very, very dangerous. We had a long fight back from the 1981 situation to try and get people trained. It takes a long time to train and then to develop the experience of one of these air traffic control people to be able to operate.

So my question to you obviously is, to the extent that you have had a chance to think about it—and I understand that you are still at NTSB—how do you look at that situation?

Ms. BLAKELY. I asked about the GAO's report, because when that came out it certainly got everyone's attention, but I think there has been a growing awareness over some time that we were facing a period in which we were going to be very much looking at a work force that is retiring. As you say, in the year 2006 we could have as many as 5,000 controllers retire. It does take a number of years to train up.

I do not think there is any answer to this except to step up and say that we are going to have to hire more controllers. We are going to have to commit intensively to training during this period, and there will have to be an overlap between the seasoned hands in our towers and people who are coming into the job, because we are going to have a constant level of professionalism and competence and safety. That is certainly what I am committed to and I believe the FAA and this Administration recognize that that is what is going to be required.

Senator ROCKEFELLER. It has been interesting to me, Ms. Blakey, that in a number of agencies—intelligence agencies, law enforcement, social workers—that is not an agency, but a profession—teaching, Peace Corps, VISTA, all kinds of things that are associated with the public good as well as with public safety, there has been a remarkably sharp increase in the number of applications to do that work.

That does not necessarily mean—of course, that was also true with screeners—that everybody who applies is going to be able to get there or ought to get there. Air traffic control work is very

stressful and very tough. I cannot think of anything so directly connected to public safety.

I am wondering. I just do not know. Has there been any similar expression of interest, more applications, that you are aware of that have made themselves available for that field?

Ms. BLAKELY. It is a very interesting question. I do not know the answer from that standpoint. I do know that we have seen a real upsurge of applications in various kinds of positions. Certainly, in the air marshals area and other areas having to do with security we have seen a lot of people come forward. So I am encouraged that that will be the case.

I am also encouraged by the fact that we have very fine training programs in this country to work with people as they step up. Certainly the University of North Dakota's program, the work that goes on through the FAA's own facility in Oklahoma City, Emery Riddell now has a new degree program in air traffic control. So there is a lot that I think is going to be tremendously important infrastructure to support this new generation of controllers as they come in.

But I hope very much that the willingness to come forward for public service will certainly touch people who want to go into this field.

Senator ROCKEFELLER. I hope that—my time is about to run out—FAA will not be afraid to market that position, because it combines a lot of qualities that people want, mathematics, so to speak, computers, console, dark room intensity, fast decision-making, teamwork, danger, enormous responsibility, and ought to be in and of itself very, very attractive. Even though it is exhausting for people who have been through it, it should have great appeal. It would seem to me that that is one of the things we could explore, how to make that appear to be and in fact draw people out as a very attractive kind of work.

Ms. BLAKELY. I could not agree more. In fact, marketing and encouraging and recruiting for this is going to be a critical part of what we have to do.

Senator ROCKEFELLER. It certainly will be.

Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman.

Ms. Blakey, I want to go back to this question of the relationship between the Transportation Security Administration and your agency. This morning in the paper there was a scathing article about the Transportation Security Administration and to some extent they talk about how people from your agency and the Transportation Security Administration are almost tripping over themselves.

Let me read you a paragraph from this:

"Although an FAA committee of industry experts was designing an employee identification system to replace the hundreds of different badges used at airports around the country, the TSA convened its own effort. Confused contractors made presentations to both groups."

So on issues like baggage screening, on questions of employees, how are you going to put together a relationship with the Transportation Security Administration so we do not have people in two

key agencies just tripping over themselves and making a difficult situation even more so?

Ms. BLAKELY. Well, certainly I am looking at this, of course, from the outside now and so it is hard to make judgments about things until I have an opportunity to work closely with Admiral Loy and others at the Department of Transportation on this.

I will say this. I think in the startup stages of any operation, regardless of what it is, there are times when the interface between existing organizations is tough to work out. There may be areas where there is genuine redundancy. There may be gaps. That is what I certainly am going to focus on. It was one reason why I raised it in my opening statement. The FAA certainly has a long and distinguished background and experience in working in the airport environment with all the professionals there. I think that we certainly can work to support the TSA and have a seamless transition between the security professionals, and the safety professionals and airport workers, who are all doing the job of maximizing safety and security in various ways. That is something that we are going to have to work very hard to do.

Senator WYDEN. I think what concerns me is we heard all of this essentially months ago. That is why I am trying to ask you about some specific issues, to get a sense of how you are going to approach them.

Tell me about the baggage screening issue. Here the Transportation Security Administration again has a lead responsibility, but the Federal Aviation Administration has a key role to play with the airports, and the airports are going to be out there installing all those scanners. How do you see working with the airports and the Transportation Security Administration?

My sense is, if this problem is not resolved in the next few months there is going to be absolute chaos, because we are going to have a busy travel season. Again, I would like to know how you are going to go about approaching that.

Ms. BLAKELY. I think that what we have to do is to bring a strong management focus and intensity to these challenges. They are immediate, they are right before us, and we are going to have to bring everything we have to bear on making sure that we do bring the expertise, the manpower, and the kinds of systems that we know we can put in place to bear on these issues.

I certainly also believe it is critical to talk with airport operators at all stages and at all levels—including small airport operators, those who are facing some of the biggest challenges in terms of congestion, the throughput issues, if you will—and bring them in, as I know is already beginning to be done. We can do more of this to elicit their help, ideas, and support, to figure out how we are going to make these systems work.

I do not have any doubt that it is something that really does take a lot of roll-up-the-sleeves commitment, as much as anything else, and the work of a lot of smart people who have been out there in this system for a long time. But we do have to bring them together on this and focus, and I think that is exactly what we will be looking to do.

Senator WYDEN. I see that as your highest priority—

Ms. BLAKELY. I agree.

Senator WYDEN [continuing]. Because this article this morning—this is a real wake-up call to people. It basically says, I am not going to read the whole thing, very little substantive has been done in the last 6, 7 months.

I am willing to say I think we have made a bit more progress than that. But I can tell you, I do not think it has been anywhere near what it needs to be, and unless you can sort out with the Transportation Security Administration some of these key issues—and I am talking about in the next 60 days—I think there is just going to be chaos this holiday season.

Let me turn now to the question of the agency's bureaucracy, and particularly these costly and time-consuming certification procedures that seem to be holding up getting new and safer aircraft and equipment out there. Now, what we hear from the general aviation community is that they are particularly concerned that these certification procedures are keeping technological improvements, improvements that would absolutely translate into areas of increased safety, that they are the ones that are not being made a high priority.

Can you give us some assurance that, as it relates to certification processes for technological improvements on safety, that you will make that a top priority?

Ms. BLAKELY. I am glad you raised the question. Coming from the National Transportation Safety Board, we have got a great deal of confidence in the ability of new technologies to address not only safety concerns, which is our primary concern, but also efficiency in the system.

Nick Sabatini, who heads the certification area for the FAA, and I have had extensive conversations about the way we can move the process forward more quickly. I do not think there is any doubt about the fact that that is something that the FAA should be committed to. The FAA usually gets it right. Unfortunately, it does not get it right as quickly as it should in that area, and I think that is something we should address.

Senator WYDEN. Thank you, Mr. Chairman.

Senator ROCKEFELLER. Thank you, Senator Wyden.

Senator Burns, before I call on you I just wondered if Senator Snowe has any comments she wants to make.

Senator SNOWE. No, I will wait.

Senator ROCKEFELLER. All right.

Senator Burns.

Senator BURNS. Thank you, Mr. Chairman. I have just got a couple of questions.

One is of a parochial nature. We have been trying to take care of that dark spot around Bozeman and Butte and Helena a long time. I am going to ask you a couple questions, and I do not know where it goes or where it ends up. But somebody is going to run into one another up there one of these days and they are going to say: Golly, we should have done that 14 years ago.

I am aware there has been reports that unairworthy or not properly tested or certified parts are being placed into aircraft and engines during their maintenance, repair, and overhaul cycles, often through so-called PMAs—that is, parts manufacturer's approvals. I also understand that the FAA has been working on a complete re-

write of its certification procedures for products and parts, Part 21, for the past decade, but it is bogged down and no final rule has been issued.

It is the same thing that this Senator that was sitting right here said about when are they going to write the rules for the Grand Canyon. Nobody responds. I am not looking to add any new regulatory burdens on aircraft owners or operators, but it seems to me that the FAA needs to be doing more to ensure that when the work is done to repair and replace parts on aircraft or their engines, it does not degrade the original safety margins of the equipment.

Now, I am going to ask for your commitment today that you will look into this issue. We would like for those rules to be written and I would like for them to be reported back to this Committee, and especially to me. I am to the end of my rope as far as trying to do some safety things with radar in that little triangle area of Butte, Helena, and Bozeman, and I am not getting anywhere there and he is not getting anywhere on the rules and regulations.

There is no excuse for not writing the rules and putting them into effect, at least put them out there where they are open for criticism. But the FAA just will not do it. I guess the only way you do, you just defund them. That is a terrible thing to say, because we need them safety-wise. But by gosh, I will tell you what, the basics have to be done.

As far as screening is concerned, I still think the screening thing—we are discriminated against, those of us who wear boots. You are not going to get through there with a pair of boots. You are going to have to take them off every time. It cost me six pair of socks. You cannot have any holes in them now and expect your wife to speak to you after you go through the screen, No. 1.

No. 2, they have got to match. Those of us who wear boots, we never worried about socks matching. You just put on two socks and go.

But I am really upset about this, because this is a safety issue. This is a safety issue. So is that a safety issue with the radar in my State. There is no excuse for it. There is absolutely no excuse for it. So I would like to have your commitment today that that will be high on your priority list once you are confirmed, and I am going to vote for your confirmation, but I want to see something happen down there, Ms. Blakey, I really do, because we have waited long enough. We have waited long enough. Patience is running out.

So could I have your commitment on those?

Ms. BLAKEY. Senator, you are striking at an issue that is very near to my heart. As you can appreciate, sitting over at the National Transportation Safety Board firing off letters to the FAA urging that safety rulemakings move forward, many of which have been years in the making and are still not even at the NPRM stage, it is something that I am very much looking forward to seeing how I can address that on a very practical and real basis.

It will be an interesting position to be responding to letters that I have written, so I do think that I am going to find myself in a fairly ironic position from time to time.

Senator BURNS. That is true.

Ms. BLAKELY. But, that said, I share completely your concern, and certainly for some of the big rulemakings, in the area of certification of parts, which absolutely require attention.

Senator BURNS. Well, we are talking about something—and I just want your commitment to that, and explain to those folks who wrote them rules that maybe they should seek employment somewhere else. It is time, and we have got to see a lot of grins back there. You ever try to fire one? I used to do it at Yellowstone County. But I tell you, it has to be done.

Thank you very much for coming today.

Ms. BLAKELY. Thank you.

Senator ROCKEFELLER. Thank you, Senator Burns.

Senator Fitzgerald.

Senator FITZGERALD. I wanted to ask a question about something that happened under Jane Garvey's years at the FAA. I think she in general did a very good job, but there was one issue that I disagreed with her on. That was the delay controls that the FAA had imposed for years by regulation. She urged Congress to pass a law that lifted delay controls at various airports where there was more demand than the airport had capacity for.

O'Hare is perhaps the best example of that. O'Hare opened—I think in 1963 it had its grand opening. It was opened a little bit before that, but it had its grand opening in 1963. By 1969 it was at full capacity, and since 1969 demand has always exceeded capacity at O'Hare.

But in 1969 the FAA put in regulations, delay control regulations to prevent airlines from scheduling more flights at O'Hare than the airport had capacity to handle. Those regulations were in effect until 1999, and all during that 30-year period we did not have much of a problem with delays at O'Hare.

But as soon as Ms. Garvey urged Congress to lift those delay controls, we passed a statute that overrode and wiped out regulations that the FAA put into effect in 1969, delays shot through the roof at O'Hare and the traveling public has been brought to its knees at O'Hare because the airlines that operate there are allowed to schedule as many flights as they would like, regardless of the airport's capacity.

So I guess—I know that since then the FAA has changed its position with respect to LaGuardia and they have reimposed delay controls at LaGuardia. But Chicago is suffering. We have to endure a system in which the airport has capacity in good weather for maybe 220 flights an hour. In bad weather that may drop down to 150 an hour. The old delay controls I think used to make the airlines schedule an average of about 180 flights an hour. Now they can schedule as many as they want, which often means that travelers at O'Hare have no chance of getting off the ground at their scheduled departure time.

Our newspapers in Chicago, the Sun-Times and the Tribune, have done exposés showing that at some moments of the day—I think 8:45 is a very popular time to fly—the airlines will schedule 25 or more flights to take off at 8:45 in the morning, even though the airport only has capacity for three flights to take off at that time.

Would you be adverse to looking at that issue and seeing if there is not a better way that we could manage delays by somehow preventing the airlines—I know they have a problem; they cannot sit down and work out their schedules together because that would raise antitrust issues. But we have got to have another way of solving this.

Congestion pricing has been talked about, I believe, by Secretary Mineta. Do you have any thoughts on this issue, or is it something you just would approach with an open mind?

Ms. BLAKELY. Well, it has been a thorny issue for many years, as we all know. The history there is such that I am not sure there are any easy or good solutions. Certainly I looked at the decision of the previous administration to lift the slot controls at the three slot-controlled airports. There is the fourth, of course, Ronald Reagan National, which is legislatively imposed.

But I looked at that with interest because it is hard to know in a dynamic system sometimes how these things are going to work out. That said, I think it is a step forward that the FAA right now has requested comments about the way to approach this problem, specifically at LaGuardia, but also in terms of the overall national system.

One of the first things I would like to do when I get there is to look at those comments in depth, to see what we know in terms of traffic flow, as well as the specific ideas on the table, and see if there are some better ways to approach things. The idea of reimposing any heavy hand in the system is not something that I would look forward to, because for the most part at almost all of our airports, allowing the dynamics of the marketplace to work does work.

But O'Hare certainly, and the other airports that have had problems over the years in terms of managing the demand overall, may require some special procedures and we are going to have to look at that. But I am looking for that set of comments as helping, I hope, to provide some good guidance.

Senator FITZGERALD. With respect to air traffic control, as we need more and more capacity in this country there will be a lot of people urging you to bring flights closer together, to allow procedures at airports such as LAHSO, Land And Hold Short, procedures that potentially cut the margin of safety. You have to balance safety with efficiency here.

I am looking for an answer with respect to your general philosophy in this area. When you have to make those kind of decisions, how do you go about balancing safety on the one hand and efficiency on the other hand? If you were to err on the one side, which side do you think that would be?

Ms. BLAKELY. There is no question about it. It is safety. I do not believe there is a single member of the traveling public that would not want us to put our greatest emphasis there, and make sure that we are staying within very wide margins when it comes to safety. I think that is absolutely critical.

Now, one of the things that is very encouraging is that some of the new technologies and the new modernization programs that are coming on line, are going to allow us to do things in the system that we have not been allowed to do before. So I am looking to much of this in terms of modernization programs that will allow us

to move forward in a way that I hope will not really pose the kinds of tough choices that we have had to date in some cases on that front.

But safety has got to be the first priority and it certainly will be with me.

Senator FITZGERALD. I see my red light has come on. If I could just one final follow-up, Mr. Chairman. I was vacationing in Colorado over the recess and had the opportunity to go visit NORAD in Colorado Springs, and in talking to the Air Force people there they led me to believe that every military plane already has global positioning satellite navigation and that they use it for their own purposes and that they are way ahead of commercial aviation in this country.

Now, I know commercial airlines have wanted to have that for some time. The chairman of United when I first got sworn into office 4 years ago was telling me about that, and it still has not happened.

Is there anything that you can do to speed the realization of global positioning satellite technology on commercial aircraft in this country and having it take over our traffic management from the radar-based system that we now have? Where is the FAA on that now, do you know?

Ms. BLAKELY. Well, I think that if you look at the broad array of air traffic control modernization programs, you definitely see that there is real emphasis on movement toward more aircraft-based systems and certainly using global positioning satellite systems as a part of the way we are going to address navigation and safety.

The fact is that 9-11 also, reinforced for us that it requires a combined ground-based and satellite-based system for us to have the appropriate level of schedule and safety that we are going to have to maintain. So I think the question in the years to come as we begin further implementation of these very, very exciting and I think very important programs that we are going to have the benefit of, is, what is the best signal? Where should the decisions be made?

Many of them should be cockpit-based, there is no question about that. Many of these should be by the navigation information that is provided directly to the flight deck. But it is going to be, again, a combination of programs, the combined efforts of the best of these systems, that I think is going to give us really what we are looking for as we move forward here.

Senator FITZGERALD. Well, thank you, Ms. Blakey, and I look forward to working with you. I hope we have a speedy confirmation here in the Senate and I look forward to working with you in the months and years to come. I am sure this Committee will get to know you very well. I am gratified to hear that even the Chairman of the Aviation Subcommittee gets checked when he goes through his hometown airport for schedule purposes in West Virginia.

So thank you, Ms. Blakey, very much for being here.

Ms. BLAKELY. Thank you.

Senator ROCKEFELLER. Thank you, Senator Fitzgerald.

Senator Snowe.

**STATEMENT OF HON. OLYMPIA SNOWE,  
U.S. SENATOR FROM MAINE**

Senator SNOWE. Thank you, Mr. Chairman.

I want to welcome you, Ms. Blakey, to the Committee. I think that your appointment sends a very important signal to this country due to your considerable background with the National Transportation Safety Board and Government service. I am impressed with your knowledge on the issues of safety, of making safety the first and foremost priority, and having the depth and breadth of understanding of those issues and the implications for the traveling public.

I think there is no question, in the aftermath of September 11th, that safety is clearly a major, major priority for this Congress and for this country. I know in the past, as others have mentioned here in the Committee, that with respect to the National Transportation Safety Board many of the policies and recommendations that have been made have not been implemented by the FAA. I hope that you will take a look at some of those issues in this position, because I do think it is critical for the future to really look at some of the safety recommendations to ensure that we have the highest standards possible in this country for the traveling public.

So I welcome you, because I do think that with your skills and leadership it clearly can continue to put FAA at the forefront on those issues that are so important to this country.

Let me ask you several questions. One of the areas that has been a problem for somebody that represents the State of Maine, and I know the Chairman in West Virginia, is that we are rural States, and the implications of the type of policies that do come from the FAA do have disparate implications for a small rural State versus more urban States and more urban communities.

For example, recently the FAA issued a policy that allowed for the construction of the sixth runway at Logan Airport, but it was conditional on developing a peak pricing plan, so that they would increase the fees for those slots and times that obviously were at peak times during the course of the day. In the past when that policy has been tried, it clearly has had ramifications for small States that rely on small regional carriers.

We do not have big jets any more, with rare exceptions, at this point. Northern Maine, when I first came to Congress, in 1978 had 767s. Today they have one service between Boston and Presque Isle and that is through the Essential Air Service Program. So a lot has changed as a result of deregulation.

So I am asking you to really consider the implications of policies that affect small and medium-sized communities versus urban areas, because clearly when the decision is made, for example, by Logan Airport and its authority, they are going to make a decision that is obviously going to affect those that carry the least number of passengers.

Obviously, coming from a rural area, we are not going to have the big jets going into Logan. That was yesteryear. It is not today anymore. So therefore I would hope that you would look very carefully at that policy. This was a recent policy issued by the FAA. Obviously, we are very concerned in Maine because it will ultimately affect small regional carriers, the commuter aircraft that

rely on going through Logan so that people can make their connections to other parts of the country or abroad.

Would you care to comment on that?

Ms. BLAKELY. I do appreciate the concern that you are talking about. In fact, one of the things that I have tried to do as a part of preparing for this hearing and thinking about the prospect of this job is talk to a number of airport managers and operators in smaller areas, because I could not agree with you more that the issues are different from that perspective and the effect of traffic at the hubs directly impacts the kind of service that they can provide in their community and the viability in some cases of that service.

So it is a real balance that has to be achieved there. I would certainly echo that. I would say that, from what I know—and I was not a party, of course, to any of the discussion about the Logan Airport plan—the new runway that is planned it is my understanding is projected to reduce delays there by about 90,000 hours. That is very impressive.

If we can achieve reduction in delays by using that runway during bad weather circumstances, we can perhaps avoid some of the other kinds of approaches that really do have impact elsewhere. That could be a real win all the way around.

Senator SNOWE. I just think it is important for the FAA when they are crafting that type of policy to make sure that there is an understanding about the effects it has on small, rural areas that rely on commuter air service for any kind of air transportation. Clearly what would have happened in the past—that is why it evoked such a major reaction—was that the first casualty would be commuter aircraft, the smaller aircraft, because they carry fewer passengers.

But if we were to use that logic, obviously, and we extrapolate from that, obviously either our service is going to be more expensive if we have it at all, and that certainly would be the implication of that type of policy in the final analysis, because obviously the peak traffic hours are important to those of us here in Maine as well. So I think that we have to design a package that does keep in mind the effects of a policy when it comes to small States that rely on commuter aircraft, because otherwise we would never win under that scenario and we would ultimately face the impact of that type of policy.

Obviously, we are very concerned about this peak pricing policy, and I know that the goal is to reduce delays at Logan and that is an important objective because they do have major problems with delays. But on the other hand, I want to make sure that we are not excluded from this process to the extent that we feel the true impact of that policy.

Ms. BLAKELY. Well, I have not had a chance to look at the plans for that study that they are planning up there for peak period pricing, so I do not know the specifics on it. But certainly with respect to your broad point, from the standpoint of the FAA we are going to be very attuned to providing adequate service and doing everything we can to ensure that service is provided to smaller communities.

Senator SNOWE. I appreciate that.

On another issue, back in December 2000 the FAA issued an order regarding distribution of takeoff and landing slots at LaGuardia and a lottery system was held to allocate the limited number of slots available to air carriers. One carrier, for example, from our State, again a small carrier, lost most of their slots under this lottery system, in fact as a result dropped the service from Portland, Maine, to LaGuardia.

Obviously, I understand that there is a significant problem with congestion at LaGuardia. But again, these type of actions ultimately reverberate on the smaller communities in the final analysis, and the underserved communities continue to be further underserved because of these policies. So I would hope that again when you are looking at implementing these different approaches that you would look at this, at the impact it would have on smaller communities, because the lottery system did have that effect and so ultimately the carrier did cancel its service because they lost most of their slots.

What in your view could be done to relieve congestion, at least in terms of what Congress could do to relieve congestion at various airports? Have you given that any thought at this point in order to ensure that we can take various approaches, what Congress could do, in addition to airport construction? I know that is one of the issues that we have provided support for in this Committee.

Ms. BLAKELY. Well, fundamentally increasing infrastructure is one of the answers. In fact, it is a key answer, as I think we all know, because it is hard to get there without increase at certain airports really in terms of the pavement that is available, and the facilities that we can provide. So we have to recognize that, and I know there are hard choices involved.

But the lengthy period of time that is involved in runway development and in other infrastructure development is certainly an area in which I would like to do everything we can to make sure the process is efficient so that we can address those needs. In addition, I think the critical question, of course, is whether we have the right tools available from the standpoint of air traffic control and from the standpoint of the system to manage things well.

It was interesting to me to learn that over three-quarters of the delays that are caused by problems with the infrastructure, down time of various sorts, issues in terms of the tools that ATC has available, only occur at a little over one-quarter of the airports. Yet that can cause huge bottlenecks for the whole system and be a real problem.

So bringing on line newer technologies and modernizing in those areas where it is most critical I think can have a real effect. Certainly as we move forward, I am certainly very open to looking at the way we are approaching air traffic control broadly to see if there are other ways to achieve operational changes that can help.

I do not have the answers to this, but there are a variety of ways that we can look at this in addition to looking for the long-term bringing on line of much more modern programs and therefore the ability to have greater throughput.

Senator SNOWE. Well, I think it would be important at some point when you assume this position to get your input and providing it to this Committee and to the Congress about what you

view the priorities are in terms of what we could do now on non-air traffic control initiatives, certainly where the Congress is involved, to ensure that we can do everything we can put in place to avoid delays in the future.

We have seen a sharp decrease in delays compared to where we were in 1999 and 2000, obviously, with the effects of September 11th and the economic slowdown. But obviously that is going to change. There has been a projection that there will be a billion passengers a year passing through airports by the year 2010, and the question is will we have the type of technology and infrastructure in place and what should Congress be doing if we are not doing it already.

So your assessment I think on that would be very important as you move ahead in your responsibilities in making sure that we are fully informed.

Ms. BLAKELY. Well, I appreciate that, and I must tell you that I think this Committee has been very supportive and very helpful on that front. As I have learned about this, I am quite struck by that.

I would recommend to you one thing. Administrator Garvey in her last hearing in the House did recommend some streamlining in terms of management changes for the FAA which I think would help us recruit for that chief operating officer position. It is a critical position in terms of air traffic control. So I would recommend those changes that she laid out, because I do think if we could streamline and realign that slightly it would make it much easier to get the right people and therefore the strongest management team to address these things.

Senator SNOWE. Well, thank you.

Thank you, Mr. Chairman.

Senator ROCKEFELLER. Thank you, Senator Snowe.

Let me just ask a couple final questions. One of them is actually for your speeding up of the process of confirmation, although the question is not one that you will welcome. This has to do with the AFSCME contract, and that is important. There are some holds on your nomination, as you know, and we do not want that and it is dangerous for the American people and it is dangerous for everybody who has anything to do with the airline industry for you not to be in that position.

Now, the contract was negotiated, it was agreed to, it was signed off by AFSCME, it was signed off by the Federal Aviation Administration, it was ratified by the union members, and then it was stopped cold in the Office of Management and Budget. This contract has been lingering since February of 2001. That is a long time. It is a festering problem. It involves 2,000 people and it is not going to go away unless something is done and it potentially could affect your confirmation. I do not know that, but you know that there are holds and it is over this issue.

You can say that is playing hardball. I am not one of the holders, but you can say that is playing hardball, or you can say this is getting at a basic issue because we are talking about the morale and how people are treated and this and that and the other thing—contract agreed to, you-them, or your predecessor-them, stopped at OMB, where so many things in all administrations die, because

they have special responsibilities and they are not always the warmest of hearts that reside over there.

In any event, if you are confirmed what are you going to do about this?

Ms. BLAKELY. Well, what I know about this, of course, is broad information looked at from outside, because I certainly was not a part of that process, or aware of the issue until fairly recently. I have had a broad briefing on labor issues from the FAA. But again, I have never seen the negotiated document. I have not really spoken to any of the direct parties involved. So I cannot shed a lot of light on the specifics.

I can say this. I have a tremendous amount of confidence and belief in the collective bargaining process. It is really what has driven our Nation's economy in so many ways. It has been a successful approach. It is certainly something that I would not only approach with good faith, I would approach it with a lot of energy, because I do not think a situation like the one you described is healthy. It is not healthy for not only the morale of those affected, the individual employees, but the good of the workforce at large and the kind of spirit of teamwork and focus that we are going to need, as we have discussed many of the challenges today.

So I think this does have to be resolved. I would look forward to working very hard to do so, to sit down at the bargaining table again and to discuss what is really at issue. As I say, I have no way of speaking to the specifics.

I would also point this out, that the matter is before an administrative law judge right now, I am told, and a decision is expected from that from a judicial standpoint any day. So that may resolve the issue in and of itself. I have no idea, of course, what the view will be from the bench. But it is at that stage of the process, and so it may be that this is something that one should let that process go forward because there is presumably an impartial eye looking at the views of both sides.

So with that in mind, I think that I would certainly just tell you I would approach this with good faith if and when I am in the job.

Senator ROCKEFELLER. That is a good answer and I appreciate that.

Let me, from my point of view—Senator Snowe, do you have more questions?

Senator SNOWE. No.

Senator ROCKEFELLER. You do not. From my point of view—before I came to this Committee hearing, I said to another Senator in our caucus that we were going to have this hearing. I do know that there are a lot of hearings going on today. The Senator made a very interesting comment which resonated with me, because I have been watching government for quite a long time. I was a Governor for 8 years and did not have quite as many people working for me as you will at 50,000. A small State, but still an awful lot of people.

It always interested me and it has interested me a lot more since I have gotten here, in a small State a Governor, for example, to wit you, can issue an order or can do a directive or pursue something and there is always a fairly close relationship between the State

Government and the people who work for it and a Governor. It is a more intimate relationship. You get up here, everything changes.

I have been stunned in the post-9/11 context by what I call turf consciousness. We are not immune from that ourselves, I might say, in Congress. There were those on this Committee that opposed the idea of aviation security going to homeland security. I did not. I thought it was good. If it was a question of turf, then I guess I should have been against it. I am not. I think it is a good idea, because I think you have so much to do, you will be involved with it anyway. You have so much to do and we have got to keep people flying.

But the whole concept of what you call the culture of bureaucracy, the culture of non-change, the culture of, oh, Administrator Blakey is going to come and then she is going to go. Yes, she will be here for 5 years, that is unusual, but then she will go, then there will be somebody else. This is like Senators who have been here for a long time say: Oh, I have been through five presidents, I have been through seven presidents, whatever it is.

There develops this kind of a culture of "we are who we are and people may tell us what to do, but we do not listen because we do what we do. That is what we are trained to do. They say the world has changed, but our equipment has not changed, our ethos has not changed, our self-esteem has not changed; we show up to work, we do the same thing."

It is an enormous problem in government. I am on the Intelligence Committee; I watch in there the most intimate and immediate matters of national security, the reluctance of people in various organizations that work on that to change the way they do business, to change their patterns of behavior, basically culture.

Now, I thought Jane Garvey made a good start on that. She did a lot of traveling around, met with people who worked for FAA. That is a big deal, people do not show up, and when the Administrator shows up that really means something. I think that things improved.

On the other hand, FAA is changing so fast, needs to change so fast, its various functions need to be modernized so quickly. We, for the first time, we were very lax in Congress, finally passed a reauthorization bill. Even that was a quirk, and it got things going. The unplugging of hubs is tremendously important. Senator Fitzgerald was talking about O'Hare. He and I have different views as to what ought to happen about O'Hare.

But one of the things I think nobody can doubt is that O'Hare may not be a problem for delays in O'Hare itself, but it sure is a problem in West Virginia and every other place that any plane out of O'Hare flies to or from. So that O'Hare affects all these things.

Now, that does not mean that you can take air traffic control and ask them to do something differently until you have the technology to allow them to either separate distances, altitude in the air, or whatever distances between planes, or find the technology to allow planes to land or take off more quickly, and that they are all in place and that they are all compatible and they reflect themselves in the cockpit. It is easy to talk about it and very hard and expensive to do.

But the general question I have, this person said, and I will just be very blunt about it, that "those FAA people, they are going to eat her alive." Now, I want you to respond to that and tell me why they are not going to eat you alive.

Ms. BLAKEY. Well, I think in part because, as they say, "I are them." You have to remember that I come out of the career bureaucracy, for one thing, so I have been there. I do understand what you are talking about from a cultural standpoint. I have a healthy respect for the people who day in and day out have to deliver the goods in all the specific ways that way down in the FAA have to happen.

So there is certainly, as I say, both a respect for the functionality as well as a respect for what I am up against in terms of trying to make change, because people do not like to change. Organizations do not like to change. It is very fundamental.

All right, what does that mean and how do you do it? I am not going to say I have all the answers here today by a long shot. But to borrow an analogy from a different mode of transportation, you have got to get off the bridge. It is no good to be up there with your officers, everybody in braid and turning the wheel and pretending that the ship is going in the direction you want and everything way down is functioning, because half the time the wheel is not connected to anything and folks down there are just doing it all on their own, if you take that approach.

You do have to get into the organization, meet with people in their offices, go out into the field, sit and talk with people about what is going on and what is not. But most importantly, you have to take the navigational map, if you will, from the bridge out with everyone and say, OK, here are the goals where we are going here, here is what we want to accomplish here. Now, I am expecting you to tell me what it is going to take to empower you to get it done, but there are performance measures here, we are expecting things to happen. And we want to get real specific about that. So let us talk about the schedule, let us talk about the metrics in terms of the way we want to approach things here, what the benchmarks are and how are we going to get there.

Then you have to continue, I believe, day in and day out, week in and week out, with that kind of intensity at all levels of the organization, because if you are doing it all from the front office it just simply does not work and people do not respect that, and you will never know really what is happening fundamentally.

So that is the way culturally I look at it, and I will certainly do everything I can to make sure that the organization is going to be one that is going to be nimble, be aggressive in meeting its deadlines, and be very proud of the fact that it is a real change agent. I think that can happen.

Senator ROCKEFELLER. Good answer. It is a good answer, and it is an important answer and you hit it immediately and you hit it hard. The fact that you have been in the bureaucracy, so to speak, in fact does mean a great deal.

I am going to adjourn this now, but this is an extraordinarily important mission. I think the American people have no sense of what it is that an FAA Administrator goes through, what they face, the pressures on them, that everything is real-time, instant, and

funding is always short. We are now in a Federal budget deficit situation. That does not bode well. You have the advantage that aviation is one of the most high profile issues on the national agenda right now and very much, obviously, in terms of security.

Your interest is in safety, your interest is in getting people back into airplanes, your interest is in having planes take off on time, land on time, have them do it faster, but at the same time very safely. So it is an enormous position which you are undertaking.

I want you to have the position. I think you are going to get the position. I hope it is real soon, and I thank you very much for appearing.

Ms. BLAKEY. Thank you, Mr. Chairman.

Senator ROCKEFELLER. Thank you.

This hearing is adjourned.

[Whereupon, at 4:07 p.m., the Committee was adjourned.]

## A P P E N D I X

### RESPONSES TO WRITTEN QUESTIONS SUBMITTED BY HON. ERNEST F. HOLLINGS TO MARION BLAKELY

*Question 1. General Management:* The FAA for years was often criticized as reactive, not proactive in making safety advances. Things have changed over the last several years. What are your plans to build upon those changes to reduce the risk of accidents?

Answer. As Chairman of the National Transportation Safety Board, I am keenly aware of the need to be proactive on issues of safety. In my current job, safety is my highest priority and should I be confirmed as FAA Administrator, my commitment to safety will remain paramount. I think one of the changes we have seen over the past few years is FAA's willingness to work with the industry to identify and meet challenges. The Operational Evolution Plan provides all parties with an understanding of how agency goals are to be met, allowing all stakeholders to plan accordingly. In addition, some of the programs currently in place are intended to obtain information on areas such as human factors, which plays a role in virtually all accidents. Changing the focus from learning things after an accident to understanding how to improve safety before an accident is critical to a further reduction in the accident rate. The FAA is currently on track to meet its goal of reducing accidents by 80% by 2007. I am committed to focusing all my experience and expertise on helping them achieve that goal.

*Question 2. Boeing Aircraft:* Last week the FAA ordered all commercial airlines to inspect more than 1,400 planes built by Boeing to check on the fuel pump wiring. This is an example where the FAA is being more proactive. How quickly are these checks being done? Have you gotten any preliminary results from the checks that have been done? Do you consider this an unsafe condition for flying?

Answer. I'm advised by the FAA's top safety officials that the FAA's Emergency Airworthiness Directive (AD) that was issued on Friday, September 6, and was effective upon receipt, applied to operators of Boeing Next Generation Model 737 airplanes (Series -600, -700, -700C, -800 and -900), Boeing Model 747 airplanes, and Boeing Model 757 airplanes. The AD addresses a population of 1250 fuel pumps, manufactured by Hydro-Aire, a supplier to the Boeing Commercial Airplane Group. There have been 3 reported cases of these pumps malfunctioning due to an assembly problem of the internal pump wiring. This defect is thought to exist in only 2.5% of the pumps, or approximately 30 pumps. A potentially unsafe condition exists if the mis-wired fuel pump produces a spark, which could ignite flammable vapors in a fuel tank. The actions taken by this AD will prevent such an occurrence.

The current AD directs operators of the affected airplane models to maintain a certain level of fuel in the tank necessary to cover the fuel pump. This will ensure the continued safe operation of the affected aircraft until an inspection can be developed to identify and remove the mis-assembled or bad pumps.

The FAA is working with Boeing to develop an effective means to inspect the fleet for the presence of a mis-assembled pump. When an effective means of inspection is approved by the FAA, another AD will be issued to mandate its accomplishment. No inspections have been conducted to date.

*Question 3. Cockpit Doors:* Cockpit doors are required to be strengthened to withstand bullets or grenade blast by April 9, 2003. Recent news reports have indicated that the FAA is concerned about meeting this deadline. What is the current status of this effort? What steps will you be taking to insure that this deadline is met? The cockpit is clearly most vulnerable while the doors are open. Do you plan on making any additional changes to ensure the integrity of the cockpit?

Answer. I understand that the FAA is holding weekly meetings with industry to identify and resolve any issues that would delay certification and installation of the new hardened doors. In addition, the agency is receiving weekly status reports from manufacturers and airlines which will allow the FAA to identify and address any issue that might jeopardize the deadline being met. When the original rule was issued requiring stronger locks on the doors, the airlines were also required to en-

sure that the door remained locked during the operation of the flight, that each carrier establish procedures for identifying those individuals who need access to the flight deck, and that each carrier establish procedures for pilots to follow when they needed to leave the flight deck during the operation of the flight.

*Question 4. Pilot Licenses:* The FAA continues to have authority to issue pilot licenses (certificates to airmen). How will FAA use new technologies, like biometrics for new licenses, and how quickly will the FAA change the current paper license system?

Answer. I'm advised that the FAA has developed a proposed rulemaking for immediate implementation that would require airmen to carry photo identification along with their airmen certificate. The photo identification would be required to be in the airmen's possession in order to exercise the privileges of their certificate. The rulemaking was proposed by the Aircraft Owners & Pilots Association as a way to quickly get in place a mechanism to provide photo identification along with the FAA's airmen's certificate.

Before considering a photo and/or biometrics on the FAA certificate itself, the FAA will want to see what type of standard identification criteria are established by either the Transportation Security Administration or the proposed Department of Homeland Security.

*Question 5. AIP:* It is not clear how expenditures for the Airport Improvement Program have been impacted by 9-11, and if those changes will have a severe impact on the FAA. What impacts on spending priorities has 9-11 had on the AIP program?

Answer. I'm told that the FAA anticipates that Airport Improvement Program (AIP) expenditures for security related projects this year (other than terminal modifications to accommodate passenger and baggage screening) will be approximately \$400 million. This represents four times the highest amount devoted to security projects in any previous year. The FAA is continuing to work with the Transportation Security Administration to identify permanent solutions for EDS installation.

To meet the increased security needs in FY 2002, the FAA did curtail AIP funding of new projects. However, the impact of this action in FY 2002 is likely to be modest because many airports delayed new starts themselves in response to the uncertainties in the 12 months after September 11.

*Question 6. Privatization:* The FAA, in an opinion submitted to the District Court in Ohio, included a statement that contracting out air traffic control tower functions for "contract towers"—a program limited to a specific category of small airport—is not an inherently governmental function. While the opinion of the FAA is limited to these types of towers, I want to make sure that the reasoning does not, and is not used to further erode the inherently governmental nature of the FAA's mission to provide Air Traffic Services. Can you give me your assurance that the FAA's opinion with respect to contract towers will not be expanded upon?

Answer. I've been advised that FAA has no plans at this time to convert any additional air traffic towers to the federal contract tower program.

*Question 7. Fees/Demand Management:* The FAA has said airports do not have the authority to impose or collect "demand management"-type pricing schemes (e.g. peak period pricing, which could freeze out small carriers) under existing law. Can you assure me that while you have solicited comments with respect to LaGuardia, you will not allow such actions?

Answer. I will ensure FAA upholds existing statutory and AIP grant assurance restrictions on the imposition of demand management pricing at airports and work with airports to assure that any such fees, if permissible, would take into account the impact that they would have on new entrant carriers, service to small communities, and international aviation.

If upon review of public comments regarding the potential use of demand management pricing at LaGuardia, there is an interest in using pricing to control congestion and delay at LaGuardia, and, if the Department's studies and analyses demonstrate its feasibility and effectiveness, the FAA would, of course, work with Congress on any needed changes in Federal laws.

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RESPONSES TO WRITTEN QUESTIONS SUBMITTED BY HON. MAX CLELAND  
TO MARION BLAKELY

*Question 1. Shortage of Controllers:* As you know, there is a shortage of air traffic controllers which promises to approach critical mass in a couple of years unless we address this very important issue. In fact, the GAO recently issued a report stating that the controller system will be reaching a point of stress if more hiring and training are not done. This shortage negatively impacts traffic into and out of Hartsfield,

which is still the world's busiest airport—and delays at Hartsfield have a ripple effect through out the system.

I have introduced S.871 as a stop-gap measure to alleviate the problem. My bill would change the compensation for air traffic controllers by computing their annuities in much the same way annuities are computed for law enforcement officers and firefighters retiring under the Civil Service Retirement System. Under my bill, older controllers would be encouraged to stay on the job longer because of the increased annuity payments they would receive. Retaining these controllers would provide the FAA with more time to hire and train future controllers. S. 871 has bipartisan support.

Ms. Blakey, I would appreciate hearing your comments on S. 871. Would you support this legislation?

Answer. I am aware of the anticipated shortage of qualified air traffic controllers and recognize that this is a very important issue. I commend you on your efforts to address this issue. I understand the FAA is looking at a range of options to address this issue. The FAA is faced with the challenge of finding a way to ensure that air traffic continues to be safe and efficient within the resource limitations the government always seem to face. I look forward to working with you, should I be confirmed, to address this issue and to ensure that the air traffic needs of this nation continue to be met.

*Question 2. Savannah/Hilton Head International Airport:* The Savannah/Hilton Head International Airport has been approved for some time to have its tower staffed 24 hours, seven days a week, but no funding has been allocated to hire the additional controllers. As it is now, after midnight, commercial aircraft are landing at Savannah without tower assistance. In addition, the Savannah Tower handles air traffic at certain altitudes for Hunter Army Airfield and the Hilton Head general aviation airport, so those airports are also affected.

When can we expect the new personnel to be assigned to operate the Savannah Tower 24-7?

Answer. I understand that a 24-hour operation at the Savannah International Airport was requested but has not been approved. I am told that the data used to support the request is old and a new study must be done to determine if a 24-hour operation is needed. The facility has an agreement for controllers that allows for air traffic control specialists (ATCS) to extend their shifts as needed, and overtime has been allocated. In addition, Jacksonville Air Route Traffic Control Center handles the instrument flight rules traffic when the facility is not in operation. I believe there will be an increase of two controllers in Savannah in the Spring 2003. The FAA regions have each obtained their allocation of controllers for the first quarter of next fiscal year. I am told that negotiations for the placement of these controllers is ongoing with the controllers' union. I understand your concern that this facility should be sufficiently staffed and, should I be confirmed, I would be happy to work with you to ensure that is the case.

*Question 3. Runway Visual Range for Savannah Airport:* I would appreciate your checking on when the Savannah airport will get full installation of its RVR (Runway Visual Range) navigational devices. The navigational devices have been approved by the FAA, but they have not yet been fully installed. The RVRs would significantly increase Savannah's ability to handle aircraft in bad weather. Can you give me an idea of when they might be installed?

Answer. I have checked with FAA's Airways Facilities organization and received the following information. The equipment will be delivered to the airport at the end of November. Depending on funding for the project in 2003, the FAA will begin engineering design work and establish the construction contracting process. These activities will be completed in June. The installation of the RVR will begin in July 2003 and end in August 2003. It will be commissioned in September 2003.

*Question 4. Executive Order:* President Bush signed an Executive Order on June 4th that would allow oversight over the Air Traffic control system to be contracted out. Where do you stand on privatizing ATC oversight and the Air traffic Control system in general?

Answer. My understanding is that the Executive Order was amended to make clear that the Executive Order did not inadvertently preclude the continuation of FAA's successful contract tower program. FAA has no plans at this time to convert any additional air traffic towers to the federal contract tower program.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN EDWARDS  
TO MARION BLAKELY

*Question 1.* Ms. Blakey, as you know, a great many people are preparing to celebrate the 100th anniversary of the Wright Brothers historic first flight in my state. This will be a year-long celebration involving thousands of aircraft of all shapes and sizes. I have been working for the last few years to secure funding for the various activities that are expected to take place in and around Kitty Hawk to make sure that the many visitors who will be in the area will have a positive experience. As you can imagine, we will be needing a great deal of assistance and support from the FAA—we will need a temporary ASR-9 radar and additional tower facilities at four identified airports to ensure safety of the high volume of commercial, civilian and military aircraft throughout 2003.

I know your staff is aware of these needs and is working to provide us with a cost estimate. What I'd like from you is your personal commitment to helping us secure this equipment.

Answer. Let me assure you that you have my personal commitment to assist North Carolina with preparations for next year's 100th anniversary of the Wright Brothers first flight, which is an exciting and important milestone for the aviation community. As you stated, the FAA has been working with North Carolina's Department of Transportation to develop cost estimates for establishing and staffing air traffic facilities at various locations around the state. If confirmed as FAA Administrator, I will ensure that the FAA continues to work closely with state officials to finalize all requirements, and establish a definitive work plan to provide the necessary support for the centennial events within available resources.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN F. KERRY  
TO MARION BLAKELY

*Question 1.* Ms. Blakey, as you are aware, the FAA has exclusive jurisdiction over the occupational health and safety of flight attendants. Two years ago the FAA and OSHA signed a Memorandum of Understanding to move forward on implementing OSHA standards for flight attendants. In the interim the FAA has only announced a plan that calls for voluntary safety guidelines to be implemented by the airlines. As the FAA Administrator would you be willing to relinquish exclusive jurisdiction over occupational health so that all flight attendants can be protected whether or not a carrier voluntarily decides to implement safety standards?

Answer. I understand FAA has worked closely on this issue with the Assistant Secretary for Occupational Safety and Health at the Department of Labor. The Memorandum of Understanding sets forth a process by which the FAA and OSHA will determine whether OSHA requirements can be applied to the working conditions of employees on aircraft in operation without compromising aviation safety. A commercial aircraft is a unique workplace and that uniqueness must be factored into any application of occupational health requirements. FAA cannot abdicate its role in ensuring that occupational health requirements do not have unacceptable or unintended safety or operational impacts. Should I be confirmed, I will work with my counterpart at OSHA and with relevant stakeholders to establish a future course for this regulatory area that ensures a high quality working environment aboard commercial aircraft.

RESPONSES TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN  
TO MARION BLAKELY

## PERCEIVED LACK OF AVIATION EXPERIENCE

*Question 1.* There are some people in the aviation community who believe that your apparent lack of aviation experience could be a detriment to your being the FAA Administrator. It is important to show clearly to the various segments of the aviation community that you understand their needs and how they operate. What do you plan to do to reach out to the aviation community and assure them that you understand their needs and how they operate?

Answer. Both the FAA and the aviation industry benefit from strong leadership and good management. Over the past three decades, I have developed my leadership skills and executive management experience in both the private and public sectors. My experience as Chairman of the National Transportation Safety Board (NTSB), Administrator of the National Highway Traffic Safety Administration (NHTSA), Assistant Secretary for Public Affairs at the Department of Transportation (DOT) and owner of a public affairs firm has prepared me to deal with the challenge of man-

aging the FAA. I am not afraid to make decisions, and I am not afraid to work hard to implement my decisions. Providing the agency with clear direction and working with both agency employees and industry leaders to communicate that direction is important in ensuring that a strong system of consensus building between the public and private sectors is achieved. I also intend to meet the agency's current and future challenges by building strong partnerships with the aviation community—including the flying public, the manufacturers, the airlines, the general aviation community, and transportation labor leaders. I have already conducted outreach sessions with various parts of the aviation community, and would make such contacts a routine part of my work at FAA.

*Question 2.* You currently oversee an agency with 450 employees and a \$68 million budget. The FAA is at least 100 times larger. Are you prepared for overseeing an operation of this scope and magnitude?

Answer. Certainly, the management issues facing the FAA Administrator are more challenging than those facing the Chairman of the NTSB in terms of both scope and size. However, strong leadership and a good management team are essential to running any organization successfully, regardless of size. No single individual will have all the skills and experience required to do a job of this complexity, and I am looking forward to having a senior management team of extensive experience in transportation and aviation. That said, the leader of any organization must be able to make necessary decisions, understand the ramifications of those decisions especially in an agency such as the FAA, with significant safety responsibilities, where such decisions often have extraordinary implications, and ensure that those decisions are effectively implemented.

#### SIGNIFICANT SAFETY ISSUES

*Question 3.* In the past, the FAA has been criticized for being too close to the aviation industry in that safety recommendations by the NTSB are not followed or are watered down if the industry complains about the burden they would impose. As the current chair of the NTSB, you have something of a unique perspective on this issue. How would you handle NTSB safety recommendations, such as those on the Ten Most Wanted List, as the head of the FAA?

*Question 4.* As Chairwoman of the NTSB, you have been in the unique position to both understand and help develop the serious, well-researched safety recommendations NTSB is charged with issuing. You have also been in a position to see firsthand that many of those recommendations are not quickly followed through with at the FAA. What are the top five recommendations that you believe the FAA should have finalized by now and how do you plan to address this problem when you assume leadership of the FAA?

Answers 3 and 4. As Chairman of the NTSB, I initiated a program to work with all DOT modal administrators to aggressively address open safety recommendations. As FAA Administrator, I plan to continue this effort. Indeed, the task is formidable at FAA—there are over 300 open recommendations. Historically, the FAA receives about 50 percent of all NTSB safety recommendations, approximately 4,000 since the inception of the program. Overall, the FAA has maintained an acceptable response rate of over 80 percent of NTSB recommendations. I intend to give particular emphasis to the FAA efforts in response to recommendations related to runway safety, aircraft structural icing, fuel tank safety, flight data recorders, and human factors such as fatigue, with a view to proceeding more aggressively in these critical safety areas.

*Question 5.* Is it your perception that following September 11 and the heightened attention devoted to security, that safety issues have lost some focus, or more importantly funding? In other words, is safety taking a backseat to security?

Answer. I believe safety can never take a back seat at the FAA. It is the FAA's primary mission. Both before and after September 11, the FAA has maintained robust programs to set safety standards and oversee compliance with these standards. These programs continue to help ensure the outstanding safety record the U.S. aviation system enjoys. I can assure you that I intend to increase the focus on safety, while allowing the system to operate securely, efficiently, and effectively.

*Question 6.* The Air Transportation Oversight System (ATOS) was initiated at 10 major air carriers more than three years ago to use data to identify trends and spot problems in aircraft maintenance before they result in incidents or accidents. The new system is not reaching its full potential at the original 10 carriers and has not been expanded to the remaining passenger air carriers. How would you move this program forward?

Answer. I have been briefed on ATOS, which is a proactive approach to aviation safety that goes beyond just ensuring compliance with regulations. The goal is to

foster a higher level of safety of air carriers by using a systematic, data-driven process to identify safety trends and prevent accidents. ATOS ensures that air carriers build safety into their operating systems, and identify and correct deficiencies before they cause problems with safety and service to the public. I know that the FAA is using feedback from inspectors and air carriers to improve the ATOS process with improved job aids, automation, and training.

Before expanding the program, I would evaluate its maturity and effectiveness and ensure appropriate training can be provided to the inspectors. I would also expect to incorporate further inspector and air carrier feedback as the program matures.

*Question 7.* Last year there were about 380 runway incursions and 1,200 operational errors, both indicators of serious safety risk. What actions would you expect the FAA to take to reduce the occurrence of these incidents?

Answer. As Chairman of the NTSB, addressing runway incursions was a top priority of mine—one which I intend to focus on as Administrator of the FAA. Based upon the numbers reported by FAA comparing the number of runway incursions and operational errors in 2001 and 2002, I believe that progress has been made towards reducing runway incursions. The FAA appears to be heading in the right direction with the creation of the *Runway Safety Blueprint 2002–2004*, which includes 39 action items targeted to reduce risk on the runway.

Additionally, I have been told that in the past year, the Office of Air Traffic implemented a number of initiatives designed to increase management focus on and reduce the occurrence of operational errors. The Office of Air Traffic has also entered into a collaborative agreement with the National Air Traffic Controllers Association to jointly work on the reduction of operational errors. As of September 12, 2002, 1001 operational errors have been reported in FY2002. This represents a 13% decrease (-147 errors) from the same period of FY2001. As Administrator, I would work to continue this trend by pursuing development of air traffic specific awareness training as well as continued research into the human factors associated with errors to better identify causal factors and develop appropriate training.

*Question 8.* In October 2000, the Inspector General expressed concern that the FAA's selection process for the expanded Controller-in-Charge (CIC) Program was not ensuring that only the most qualified controllers are selected. The FAA's own internal evaluation of the expanded CIC Program found that 70 percent of the facilities were designating 100 percent of the air traffic controllers as CIC. Based on your experience at NTSB, do you have concerns about the CIC program? Would you consider taking another look at the practice of designating 100 percent of the air traffic controllers at a facility as Controllers-In-Charge, given the high numbers of runway incursions and operational errors?

Answer. FAA officials have advised me that, subsequent to the expression of concern by the Inspector General regarding the FAA's selection process for the expanded controller-in-charge (CIC) program, agency officials met with Mr. Mead and members of his staff to address this and other related issues.

The CIC program is part of the agency's overall watch supervision effort and, if confirmed as FAA Administrator, I would ensure that the program continues to be examined any time we review the safety aspect of air traffic operations. In the course of such reviews, if it is determined there is a correlation between CIC percentages and operational errors or runway incursions, I would advocate that we take another look at FAA policies and practices of designating CIC percentages for facilities. I am told, at this time, the FAA has not seen such a correlation and the agency is confident that its air traffic managers are appropriately utilizing the CIC program. If confirmed, I would certainly continue to assess this myself on an ongoing basis as a part of my safety oversight responsibilities.

*Question 9.* The General Accounting Office recently released a report examining the future attrition of controllers. GAO concluded that by the end of fiscal year 2006, about 5,000 controllers will leave the agency. Many of these controllers hold positions as supervisors or work in the FAA's busiest facilities. Given the projected attrition rates in the controller workforce, what measures would you take to ensure that enough certified controllers and supervisors will be available to meet the agency's projected staffing requirements?

Answer. The FAA's data show that the retirement eligibility rate for terminal and en route controllers will dramatically increase beginning in fiscal years (FY) 2006 and 2007. If confirmed, I expect to work with the Department of Transportation and the Office of Management and Budget to address the impending increase in controllers who are eligible to retire in the FY 2004 budget submission. I will personally review the FAA FY2004 budget recommendations, which are now under review within the Administration, to assure appropriate resources to hire controllers and

supervisors. I believe this type of advance planning is a prudent means of preparing for the possibility of future retirements.

*Question 10.* The Flight Operational Quality Assurance (FOQA) program, which involves the collection and analysis of data recorded during flight, offers a quantum leap forward in respect to safety. The Committee understands that progress has been made and many aircraft are suitably equipped. What additional steps can the FAA and airlines take to make the FOQA program a robust system and meet expectations?

Answer. I have been and will continue to be an outspoken supporter of FOQA and other safety data programs.

Currently, the FOQA program is operating at major airlines and meeting the expectations of the individual airlines that are voluntarily participating in the program. To further enhance the safety benefits of FOQA, a means for collecting and sharing safety related FOQA data among airlines, as well as with the FAA, should be implemented. In addition, a much wider participation in the program by regional airlines is needed.

The FAA is working in partnership with airlines and labor associations in the FOQA Aviation Rulemaking Committee to address the establishment of a mutually acceptable venue for sharing FOQA data. The FAA has undertaken regulatory initiatives to address airline concerns about use of FOQA information for enforcement, and concerns about inappropriate disclosure of FOQA information voluntarily provided to the FAA. The FAA recognizes that implementing these protections is a prerequisite to further progress on voluntary FOQA information sharing.

*Question 11.* When she was going through her Senate confirmation process, former Administrator Garvey stated that “[t]he top safety challenge confronting the FAA is to keep pace with a growing, dynamic industry that is evolving in its businesses, practices, and technology.” This seems as true today as it was five years ago. Are you concerned from a certification and safety oversight perspective that technological developments are significantly outpacing the FAA’s ability to keep up? What specific suggestions can you make to ensure that aviation safety inspectors are intimately familiar with the aircraft and component systems that they oversee?

Answer. There is no doubt that technology is advancing at an unprecedented pace. To keep abreast of technological advancements and ensure that aviation inspectors are prepared to perform their safety oversight responsibilities, the FAA must: (1) continue to work closely with industry in determining training requirements for current and future aircraft systems; (2) expand the use of industry developed material in FAA training programs; and (3) make sure that the FAA participates and monitors the development, prototyping and testing of new technologies.

#### LACK OF RESPONSIVENESS TO IDENTIFIED SAFETY ISSUES

*Question 12.* In the past, the FAA has not been responsive to identified safety issues such as non-conforming threaded fasteners, defects in aviation cable, and the need to revise pilot rest regulations. What actions would you take to move forward to address these identified safety issues?

Answer. If confirmed, I intend to hold the FAA management team accountable to address any safety issues that we, or others such as the NTSB, identify. During my tenure at NTSB, on the whole, I found the FAA to be responsive to the safety recommendations that we initiated. However, we must never lose our focus on identifying and addressing emerging safety risks.

*Question 13.* There have been alleged improprieties on the part of FAA investigating itself involving fatal general aviation accidents. What actions would you take to avoid the perceptions of bias and cover up?

Answer. As Chairman of the NTSB, I am intimately familiar with the importance of conducting unbiased and objective accident investigations. If confirmed, I intend to hold FAA managers accountable for ensuring that all investigations are performed in an equitable and fair manner. I would expect official written reports to be produced in response to all investigations and be reviewed at the executive level for appropriate actions.

#### CONTROLLING COSTS

*Question 14.* Next year, the new Administrator will face a number of important issues associated with reauthorization of the majority the FAA’s programs. One of the most difficult issues will involve funding for the Airport Improvement Program (AIP), which has enjoyed record levels and a certain degree of insulation from budget cuts since AIR-21 was enacted. Also, there will be a great deal of tension between security and capacity funding needs within AIP. Do you anticipate that the FAA will

need greater resources in future fiscal years or will the agency have to readjust internal priorities to accommodate modest budget growth?

Answer. I understand that considerable work is well underway at FAA and DOT at the staff level on issues related to the reauthorization of AIR 21 and its vital aviation programs. As a general matter, and despite the current downturn in traffic related to the terrorist attacks of last year, I believe that it is important to continue to address issues of aviation congestion and infrastructure with a strong investment program. Making my own detailed assessments about the size and structure of AIP, and working on them with Secretary Mineta, will be a very high and early priority if I am confirmed. I look forward to discussing these matters in detail with the Committee in the months ahead.

*Question 15.* The collective bargaining agreement with the FAA's air traffic controller workforce (the agency's largest workforce) will expire next year. As FAA Administrator, what do you think the key issues should be in renegotiating this agreement?

Answer. I am committed to the collective bargaining process and if confirmed, look forward to conducting a meaningful, open, and fair dialogue with NATCA representatives. This will be an important time for the management of the FAA's workforce. As we learned from September 11th, controllers played a critical role in our nation's response to the terrorists' attacks and are a vital part of the FAA. I feel that key outcomes of a new contract with NATCA should center on containing costs, enhancing productivity and technological changes, and maintaining a skilled workforce level that will assure a continued safe, efficient, and improved National Airspace System.

*Question 16.* The FAA's operating costs, which are driven primarily by its payroll, have increased from \$5.3 billion in 1998 to \$7.5 billion in 2003—an increase of more than 40 percent. Steep declines in aviation trust fund revenues have resulted in a much larger portion of the FAA's operating costs being taken from the General Fund. Given projected federal deficits and significant increased demands being placed on the General Fund, what actions do you think would be needed to contain the growth in the FAA's operating costs?

Answer. I agree that the FAA and Congress should take whatever actions we can to contain the growth of the FAA's operating costs, provided that we continue to increase aviation safety and improve system efficiency. I believe the FAA can maintain and improve the best air traffic safety and control system in the world while reducing costs by doing the following:

1. Taking advantage of technology that will reduce costs wherever possible and as soon as possible;
2. Seeking to consolidate and streamline operations wherever possible; and
3. Examining carefully projects and services that may not be cost-beneficial.

Obviously, any effort to reduce costs requires that we know the full cost of projects and services. Toward that end, I believe cost accounting must be extended throughout the agency and must be used in our analysis.

If confirmed, I look forward to working with the Senator and his colleagues on implementing all possible cost-saving measures, while still maintaining and improving the best air traffic system in the world.

*Question 17.* Since 1996, the FAA has been exempt from most provisions of Title 5, allowing the Agency flexibility in developing its personnel management system. While the FAA has used this flexibility extensively in setting compensation and awarding bonuses, we have not seen a corresponding increase in management accountability for costs. As a performance-based organization, accountability for costs is a major issue that the FAA must address. As the FAA Administrator, what steps would you take to hold managers at all levels accountable for controlling costs?

Answer. Accountability for decisions and costs must be a key component of any personnel management system. While flexibility in personnel systems is necessary to address the unique needs of the FAA, there must also be sufficient internal checks and balances on the use of those flexibilities to ensure that managers are held accountable for their actions. As Administrator, I would require that my senior managers monitor the use of our personnel flexibilities within their organizations and ensure that they are used appropriately, effectively, and prudently.

#### CAPACITY AND MODERNIZATION

*Question 18.* As you may know, in early July, the FAA extended New York LaGuardia Airport's slot lottery system for two years, delaying the implementation of a long-term demand management policy for the airport. The FAA is apparently taking more time to consider several different approaches to demand management and is reportedly considering such programs for other airports, including Boston

Logan. What are your views of airport capacity demand management? Are you concerned that certain schemes may hamper competition or limit access for non-incumbent carriers?

Answer. Expanding capacity and ensuring efficient use of existing capacity are important methods to address airport congestion and delay. With some airports beginning to routinely experience increasing levels of delay, airport operators should consider ways to increase airport capacity, such as the addition of new runways. However, in certain cases, runway expansion is neither practicable nor appropriate. In these circumstances, it may be necessary to consider other approaches.

If a demand management approach is adopted for allocating capacity at an airport, the selected approach will need to provide a proper balance between controlling congestion and delay while at the same time ensuring service to small communities, new airline entry, and consideration of international aviation obligations.

*Question 19.* The FAA's air traffic control modernization acquisitions have traditionally been over cost and behind schedule. How would you make your managers and contractors more accountable for completing these important projects on time and within budget? What steps would you take to control cost growth with major acquisitions?

*Question 20.* The FAA now faces major challenges in providing new hardware and software for oceanic air traffic control and new software for enroute computers. How would you as FAA Administrator ensure that significant problems in these important projects are avoided?

Answers 19 and 20. The FAA has been actively working to improve the management and performance of its large acquisition programs and has made progress in addressing the problem of schedule and cost discrepancies in its programs. I don't believe there is any magic solution to delivering large, complex programs, especially when you're dealing with leading-edge technologies, but there are a few fundamentals that are necessary to ensure success.

If confirmed, I will guarantee my own personal involvement in these large, complex, critical programs, including the oceanic and enroute computer modernization programs.

The development cycle of each program should include a reassessment of risks and assumptions, the creation of a functioning prototype, an evaluation of lessons learned, and a go/no go decision for the next phase. When appropriate, I would convene independent review panels to assess the feasibility of continuing with particularly challenging programs.

I am encouraged by the agency's recent change to its acquisition process. Programs are first reviewed to select the best alternative and then baselined when more information is known about the acquisition strategy, expected costs, and risks. Delaying final baselining until the program manager has had a chance to poll the marketplace and have contractor input and information should greatly reduce the risk of having to rebase line later and allow us to manage within acceptable variances. Once established, baselines are managed through a series of controls that include risk management plans, program control processes and disciplines, Earned Value Management System controls to manage contractor performance and risk, and baseline management and reporting. Senior level managers receive program status reports on a monthly basis and detailed reviews of program cost, schedule, and technical status at semi-annual Acquisition Reviews. Finally, proceeding with procurements at a deliberate pace need not be inconsistent with rapid innovation and modernization. If confirmed, I would continually try to make the efficiency and safety benefits that we expect from cost effective modernization a compelling priority for the FAA team.

*Question 21.* The FAA's Operational Evolution Plan calls for airspace users to invest perhaps billions of dollars in new technology (satellite navigation, data link, communications, etc.). At the same time, the airlines are financially struggling. What do you think is the best approach to encourage airspace users to equip with new technology? Under what circumstances do you think the FAA should mandate the use of new technology?

Answer. It is my understanding that the Operational Evolution Plan is a commitment document that reflects the FAA/Industry consensus approach to voluntary aircraft equipage. Working with the Radio Technical Communications Association (RTCA), the FAA has revalidated this approach and RTCA will soon publish a report that will establish the guidelines for mandatory versus voluntary equipage. For the OEP capabilities, data driven, government cost/benefit analysis would be needed to support this decision process. I have been told that the FAA expects that typically benefits such as cost avoidance, revenue enhancement, and strategic advantage will provide effective incentives for airlines and operators to equip. As FAA Administrator, I would support current FAA policy that for OEP capabilities, mandatory eq-

uipage will be considered only if a compelling benefit to industry can be defined. Otherwise, only compelling safety and security concerns merit mandatory equipage.

#### OVERARCHING FACTORS THAT WILL AFFECT FAA'S PERFORMANCE

*Question 22.* There has been much talk this past year about restructuring the FAA. What are your ideas on how the agency should structure itself to provide more cost-effective air traffic services? Based on your experiences at the Safety Board, what do you think the FAA needs to do a better job on?

Answer. I believe the FAA is placing a strong emphasis on performance metrics. This commitment to openly measuring performance and sharing the results with the aviation community is a fresh approach for a Federal agency. While the FAA has made strides in its internal processes, I think more can be done in terms of accountability and follow through. The Operational Evolution Plan (OEP) demonstrates a good example of developing an improvement plan with a focus on internal processes.

*Question 23.* It has been two years now since the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21) established a Chief Operating Officer and Management Advisory Council, with a subcommittee to oversee air traffic services. While a Management Advisory Council and an Air Traffic Control Subcommittee have been established, a Chief Operating Officer responsible for negotiating a performance agreement with the FAA Administrator has still not been hired. What are your views on what type of individual is needed in this position and what plans might you have to move forward in the hiring process?

Answer. I am told that over the past year and one-half, aggressive efforts were made to recruit for the COO position by the Secretary of Transportation, the Deputy Secretary and the FAA Administrator. Two search firms were employed, both unsuccessfully. Several offers were extended and ultimately rejected. In the end, two factors above all made it difficult to recruit a suitable candidate. First, the pending transition at the head of FAA—each candidate wanted to be assured of a good working relationship and professional fit with the new Administrator. Second, there was considerable concern among candidates about the role of the COO relative to the ATC Subcommittee and the COO's reporting relationship within FAA. The Department of Transportation has drafted legislation that would address the reporting relationship issues and make the work of the ATC Subcommittee more effective. If confirmed as FAA Administrator, advocating passage of that legislation and recruiting an effective COO would be one of my very highest personnel priorities for FAA. I would look for a COO candidate with strong management skills, deep operating experience and the discipline to establish, measure and run the enterprise with rigorous metrics tied to FAA performance goals. Ideally the COO would have significant experience in the aviation world.

*Question 24.* Several years ago, Congress gave the FAA extraordinary personnel and procurement flexibilities. While there is some general agreement that agency procurement has improved as a result of those changes, it is much less evident that the personnel reforms have yielded significant benefits. What is your view of these reforms? Is there anything you could do as Administrator to take more advantage of personnel flexibilities?

Answer. Changing personnel systems is a major challenge for any organization, particularly one as large and geographically dispersed as the FAA. I believe the FAA has made progress in implementing its new personnel system. There have been successes in recruitment and employment flexibilities, implementation of performance-based compensation programs, and movement to an effective performance management system. As Administrator, I would examine how I could use the flexibilities and tools available in the FAA system to continue the progress that has already been made. The ultimate goal over time should be an agency that is responsive to its customers, focused on its mission and goals, and supportive of the Administration's initiatives for human capital management as outlined in the President's Management Agenda.

*Question 25.* Based upon your work at the NTSB, are there areas or ways in which the FAA is severely deficient? If so, what do you propose to do to address those deficiencies?

Answer. One area that has been of some concern to the NTSB and to me personally is that of runway incursions. I am pleased that the FAA created an office of Runway Safety to focus completely on this issue. I think the FAA's current approach of focusing on reducing the number of the most dangerous runway incursions, rather than simply reducing the overall number, will improve safety. There have been some indications that this approach is working. I look forward to working with this office on this very important issue. I would also like to see where we might expand

upon the use of information shared by the aviation industry to be more proactive in improving safety.

#### SPACE

*Question 26.* What efforts has the FAA made to include space transportation in the modernization of the National Airspace System (NAS) and how will these efforts accommodate the future requirements for commercial space launches and re-entries?

Answer. I have been advised that the combined resources of the FAA's Commercial Space Transportation and Air Traffic Services teams have developed two documents that offer a bridge between space and aviation operational requirements. The first document that is part of this bridge is the Concept of Operations (CONOPS) for commercial space transportation. The CONOPS describes commercial space transportation operations with an emphasis on the management of space launch and reentry vehicles as they transition through the National Airspace System. The second document is a Space and Air Traffic Management System (SATMS) Program Plan, which lays out the incremental steps needed to accomplish the integration of space operations within the NAS.

To accommodate future requirements FAA's experts in Commercial Space Transportation support the NAS Architecture development as it incorporates space concepts and identifies future NAS requirements. Commercial Space Transportation also participates in the Interagency Air Traffic Management Product Team and the Radio Technical Communications Association Advisory Committee to review the future challenges that face the commercial space industry and assure a smooth transition.

In addition, to oversee the objective of seamlessly integrating space into the NAS, the FAA has established a SATMS Executive Board that is comprised of senior FAA and DOD managers. The FAA expects that the efforts I have described here will be included in the Operational Evolution Plan strategic goal planning activities in order to effect a seamless transition that meets all current and future user needs.

#### GRAND CANYON OVERFLIGHTS

*Question 27.* As you may know, I have a long-standing interest in the issue of air tour overflights of our national parks, particularly the Grand Canyon. A federal appeals court recently ruled that the FAA must reconsider certain aspects of its regulations governing air tours over the Grand Canyon. Are you familiar with this issue and can you tell me how you believe the agency should handle the matter?

Answer. I am aware that the FAA and the National Park Service have been working for some time to address concerns about the noise created in the Grand Canyon by air tours that operate in the area. I have been told that FAA staff are in the process of looking at the impact of the recent court decision and how the FAA should proceed in cooperation with the Department of Interior in light of the decision. I can assure you that I will look into this matter and update you and the Committee at the earliest possible opportunity should I be confirmed.

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#### RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. KAY BAILEY HUTCHISON TO MARION BLAKELY

*Question 1.* The Standard Terminal Automation Replacement System (STARS) program is 4 years behind schedule and \$700 million (80%) over budget. The DOT IG has called it a "problem program" given the cost and schedule risk. What are your plans for getting this critical program back on track and reducing the cost and schedule risk?

Answer. I understand that the schedule delay which the Department of Transportation Inspector General has referred to happened in 1997 when labor unions identified numerous human factors issues that resulted in a need for significant software development. The FAA agreed to these changes but this drove up costs from \$940.2 million to \$1.4 billion and delayed STARS deployment by nearly four years. Since those changes were made, I have been told that STARS development and deployment has been on schedule.

The FAA's risk mitigation plan for STARS involves an incremental deployment schedule that allows the controllers and technicians to get used to some changes before introducing others. This allowed STARS to be introduced to the user community in three phases, with each phase of STARS undergoing operational testing prior to deployment. As a result, STARS has undergone extensive levels of testing at the FAA technical center in New Jersey, at Department of Defense (DoD) air traffic control facilities and at several FAA air traffic control facilities.

I have been advised by FAA officials that, they expect the STARS system to be operationally suitable to control live air traffic in Philadelphia by November 17, 2002. The STARS system is currently being used to control live traffic in El Paso, Texas and Syracuse, New York with an initial software version, and the system at El Paso will be upgraded nearly two months before Philadelphia commences operations.

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AIR CRASH VICTIMS FAMILIES GROUP\*  
*Ridgewood, NJ, August 15, 2002.*

Hon. JOHN McCAIN,  
*Senate Committee on Commerce, Science and Transportation,  
508 Dirksen Senate Office Building,  
Washington, DC.*

DEAR SENATOR McCAIN: We endorse the nomination of Marion C. Blakey as the new Administrator of the "Federal Aviation Agency".

Mrs Blakey is presently the Chairman of the "National Transportation Safety Board" (NTSB), the transportation accident investigative agency which feeds the "Federal Aviation Administration" their recommendations for the needs to improve the safety and security in the civil air transportation sector.

Her NTSB experience alone would make Mrs. Blakey uniquely qualified to lead the FAA for speedier implementation of their recommendations.

In addition, Mrs. Blakey brings to the FAA a wide ranging, balanced experience from the time she worked at the Department of Transportation, at other Government Agencies, at the White House and in the private sector.

Even before the catastrophic events of September 11, 2001 the FAA found itself engaged and pressured to reorganize, streamline and modernize its operations. During the tenure of its past Administrator, Jane Garvey, the FAA has made progress in that direction. It is now imperative that the momentum of those ongoing efforts of reorganization, regulatory improvements, technical and operational modernization to bring the FAA fully into the 21st Century be continued seamlessly, without interruption, and be expanded.

With her past experiences Chairman Blakey would assure not only the continuity to maintain, but also to increase the momentum of reorganization, where needed, involving in the process all interested parties, the flying public included.

Chairman Blakey must be commended for her courage and for her commitment to accept this daunting, often thankless task.

Respectfully,

A. FRANK CARVEN III,  
*TWA800.*

HANS EPHRAIMSON-ABT,  
*KAL007.*




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\*The "Air Crash Victims Families Group" is an informal alliance of "The American Association for Families of KAL007 Victims", "The TWA800 Families Assoc., Inc.", "The International Association for Families of Swissair 111, crash victims of Alaska Air 261, EgyptAir 990 and American families of other air tragedies.